

# **EXHIBIT**

# **29B**

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<p style="text-align: right;">Page 117</p> <p>1 the people who are working on an idea also are being    2 credited by whatever compensation might occur later on.    3 Thus to avoid a problem which Americans call not    4 invented here. It's very often in R &amp; D departments    5 that if somebody comes along with good idea, people    6 working on it try to prove it's not good, try to have    7 other solution bypass that solution so that they are    8 being named as the inventor.    9 My policy strictly was that I give or I credit    10 the guy who is working on the subject which I might have    11 been initiator of and that he is also being named as    12 inventor that he is being credited as the inventor.    13 This motivates people to put their full workload into    14 the subject.    15 And there's another reason. I experienced if    16 you are the inventor and you are sponsoring your own    17 idea, you are getting the type of miscredit insofar that    18 other people say he's only wanting or sponsoring this    19 project or this idea because he is the inventor and he    20 possibly might have got some money out of it. And to    21 avoid that I think it was just feasible to give the    22 credit of the idea to the person working for it so it's    23 being motivated and I can easier sponsor his idea    24 anonymously as you can say.</p>	<p style="text-align: right;">Page 119</p> <p>1 compensation. Would the inventor -- if a device was    2 eventually commercialized, would there be some    3 compensation granted to the inventor?    4 A Yes.    5 Q Do you recall what that amount of compensation    6 is?    7 A There's a German law --    8 MR. VORBECK: It's German law that inventors have to    9 be compensated and it's based on the royalty base. And    10 normally rough estimates are about 1 per million or less    11 of the net sales of the invention.    12 MR. SHIMOTA: So is it --    13 MR. VORBECK: So it might be -- to some -- sometimes    14 inventors compensation big numbers, huge quantities and    15 high price it could be nearly salary of the person or it    16 could be about one or two thousand dollars a year.    17 That's the range.    18 MR. SHIMOTA: Q So this could be a lot of -- if    19 it's a commercial -- a very successful product, this    20 could be a lot of money for an inventor, correct?    21 A Sure. But I have to add to you that the higher    22 the job I assume the less the money is being paid for    23 which means Braun is getting -- Mr. Braun is getting    24 paid more for his -- for this thing here than if I would</p>
<p style="text-align: right;">Page 118</p> <p>1 Q Let's take the second first, see if I'm    2 understanding you. It was your idea if you were not    3 named as an inventor it would be easier for you to push    4 a particular idea through Braun management?    5 A Correct.    6 Q And was it your desire to push the shaver    7 cleaning system into production?    8 A Oh, of course.    9 Q And you thought if Gebhard Braun was named the    10 sole inventor of the shaver cleaning system it would be    11 easier to push it through Braun management, is that    12 correct?    13 A Yes.    14 Q Did you, in fact, find -- it was the case that    15 as a result of Mr. Braun being named as the sole    16 inventor it was easier to push -- push the idea through    17 Braun management?    18 A It's hard to judge on it because I didn't try    19 the other way. In general it is so. We have less    20 resistance within the organization if you as the boss    21 and inventor are trying to sponsor to push it through    22 and another person is the inventor and I'm the    23 sponsoring guy.    24 Q So when you say compensation -- you mentioned</p>	<p style="text-align: right;">Page 120</p> <p>1 have been the sole inventor.    2 Q Why is that?    3 A It is policy of our patent department.    4 MR. VORBECK: German inventor law says the higher    5 the person is in the hierarchy the more you can expect    6 that he makes inventions. So person which works on the    7 assembly line is not real likely to be expected to make    8 invention, patentable invention, and the head of R &amp; D    9 department he should make invention more likely,    10 therefore, one person gets more money than the other.    11 MR. SHIMOTA: Q Are you being compensated for the    12 sale of Braun's shaver cleaning systems now?    13 A No.    14 Q Do you know why that is?    15 A I didn't ask for it to be honest.    16 Q Well, are you now an inventor on Braun's German    17 patent applications related to the shaver cleaning    18 system?    19 A No.    20 Q Well, now that you have discussed the    21 inventorship issue with Braun's patent department, do    22 you believe that you are entitled to compensation as a    23 result of your invention?    24 MR. PATTON: Object to the form of the question,</p>

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<p>1 but --</p> <p>2 THE WITNESS: Let's put that way. Theoretically I 3 might be entitled to it, but ever since it was my policy 4 not to be named on any patents, I simply neglect the 5 fact. I'm not looking for compensation.</p> <p>6 MR. SHIMOTA: Q Well, you recognize the fact that 7 you are named on several patents, correct?</p> <p>8 A Very, very few.</p> <p>9 Q Do you know how many?</p> <p>10 A One or two, I assume.</p> <p>11 Q I'd like to mark as defendant's Deposition 12 Exhibit No. 28 U.S. Patent No. 4,578,861 which bears the 13 Bates number B4099 to B4107. 14 (Exhibit 28 marked as requested)</p> <p>15 A Yes.</p> <p>16 Q I'd like to mark as defendant's Exhibit No. 29 17 U.S. Patent No. 4,922,608 bearing the Bates numbers 18 B4123 to B4132. 19 (Exhibit 29 marked as requested)</p> <p>20 MR. PATTON: This is 29.</p> <p>21 MR. SHIMOTA: Did I misspeak?</p> <p>22 A That was my first mistake.</p> <p>23 MR. SHIMOTA: Q I'd like to mark as defendant's 24 deposition Exhibit No. 30 U.S. Patent No. 5,704,935</p>	<p>Page 121</p> <p>1 A Not quite at the time. 2 Q So in 1986 it was not your policy to -- 3 A Not so strictly. 4 Q Do you know when you started to strictly 5 enforce that policy for yourself? 6 A After the patent -- United States patent, 7 4,922,608 this was the particular case where an idea and 8 people within the organization tried to kill it. That's 9 as simple as that.</p> <p>10 Q Is that so?</p> <p>11 A That's so.</p> <p>12 Q After the '608 patent, that's when you 13 established your policy of not naming yourself as an 14 inventor of patents?</p> <p>15 A Yes. And then there are a couple of patent 16 which you certainly have not investigated yet where I 17 was the inventor, and my name is being shown -- is not 18 being shown on it. You cannot, of course, find them. 19 And then when the epilating business started these two 20 other patents were there. I said, gee, this is totally 21 different ballgame altogether at the point in time when 22 Silk Epil was not in the organization, and I made again 23 the same mistake once you are proud as an inventor and 24 filed these two. But this was it. I remember only this</p>
<p>Page 122</p> <p>1 which bears the Bates numbers B4223 to B4229. 2 (Exhibit 30 marked as requested)</p> <p>3 Q Finally, I'd like to mark as Defendant's 4 Deposition Exhibit No. 31 documents bearing the Bates 5 number -- defendant's Exhibit No. 31 U.S. Patent No. 6 6,083,233 which bears the Bates number B4230 to B4247. 7 (Exhibit 31 marked as requested)</p> <p>8 Q Starting with U.S. Patent No. 4,588,861, do you 9 see the named inventors listed there?</p> <p>10 A Yes.</p> <p>11 Q Do you see yourself?</p> <p>12 A I do.</p> <p>13 Q Do you recognize the other gentlemen listed?</p> <p>14 A Sure.</p> <p>15 Q Were you the boss of Otto Schweingruber?</p> <p>16 A Not the direct one, but the boss of Hilfinger 17 and Schweingruber was the boss -- Hilfinger was the boss 18 of Schweingruber.</p> <p>19 Q It went Dietrich Pahl, Schweingruber and then 20 Peter Hilfinger?</p> <p>21 A Right.</p> <p>22 Q When you filed for this patent application, 23 had you developed your general policy of not naming 24 yourself --</p>	<p>Page 124</p> <p>1 patent here and this patent here. I told you two -- one 2 to two. The others ones slipped my mind.</p> <p>3 Q If you look at the 5,704,935, do you recognize 4 the name Detart Mertz?</p> <p>5 A Yes.</p> <p>6 Q Were you the boss of Detart Mertz?</p> <p>7 A No, no, I wasn't. Who was Detart Mertz? He 8 was working at this time -- I was not his boss to be 9 honest, but I don't know what his function was at the 10 time, but he was certainly not reporting to me. He 11 helped me on something here, but I don't know what it 12 was exactly.</p> <p>13 Q But -- I guess you said you thought the 14 business was different for epilating appliances and 15 that's why you violated your policy for this patent?</p> <p>16 A Yes.</p> <p>17 Q If you look then at the U.S. Patent No. 18 6,083,233. Do you recognize the names of the inventors 19 listed on that patent?</p> <p>20 A Yes, I do.</p> <p>21 Q Were you the boss of any of those individuals?</p> <p>22 A I was the boss of Mr. Sanchez. Mr. Cohen as 23 you can see was a person from the United States. He had 24 made his Ph.D in pain, pain measurement methods. So I</p>

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<p>1 needed him and actually got him over to Braun to help me  2 on measuring pain while epilating. And he came up in a  3 meeting we had together with the idea to overwhelm or --  4 MR. VORBECK: To superimpose.  5 THE INTERPRETER: To overcome the pain, to  6 substitute the pain by something else.  7 MR. VORBECK: Mask.  8 A Mask the pain by causing different pain but  9 more agreeable pain.  10 MR. SHIMOTA: Q But you were the boss of  11 Mr. Sanchez, correct?  12 A Correct.  13 Q Were you the boss of Mr. Kreutz?  14 A Mr. Kreutz. Yes, I think he was a draftsman at  15 the time.  16 Q Do you recall why you violated your policy with  17 respect to this patent?  18 A I can't tell you to be honest. We're sitting  19 altogether in meeting with development staff here and  20 then, of course, everybody said, okay, we all mentioned  21 as inventor, and apparently I was not clever enough to  22 stick to my policy.  23 Q So there were at least two occasions following  24 your U.S. Patent No. 4,922,608 in which you violated a</p>	<p>Page 125</p> <p>1 apparatus with a shearing system. That would have been  2 approximately 1987?  3 A Yes.  4 Q I guess my question was that you at least --  5 you violated your policy on two occasions following that  6 time?  7 A In this business, yes.  8 Q If you look at the U.S. Patent No. 5,704,935,  9 you'll see that that has a priority date of May 16th,  10 1994. Do you see that?  11 MR. PATTON: See the foreign application priority  12 date?  13 THE WITNESS: Oh, yes.  14 MR. SHIMOTA: Q Isn't it correct that with respect  15 to this patent you violated your policy on or around  16 May 16th, 1994?  17 A Yes, looks like it.  18 Q Had your policy regarding inventorship ever  19 resulted in a situation such as we have here where a  20 patent needed to be corrected later?  21 A No.  22 Q Turning to the first reason that you had no  23 desire to be named as an inventor. Am I correct that  24 you thought that -- is it correct that you thought that</p>
<p>Page 126</p> <p>1 policy of not naming yourself as an inventor, is that  2 correct?  3 A Well, I have to look to the dates when it has  4 been first filed.  5 Q Sure.  6 A You checked the dates?  7 MR. VORBECK: You should look at the priority date.  8 MR. SHIMOTA: Q The '608 patent has a priority date  9 of June 27th, 1987, and the two patents I referred to  10 have a priority date respectively of May 16th, 1994 and  11 June 14th, 1995.  12 A Where is the priority date mentioned here on  13 these things? Do you know? Can you show me?  14 Q It says foreign application priority date then  15 there's a date.  16 A When is the priority date of the patent we are  17 discussing here? The cleaning device patent. I don't  18 know when it was, priority date of that cleaning device.  19 Q It would have been in January of '94.  20 A There were two hair pluckers things that were  21 after these both patents. They were after that American  22 -- cleaning machine patent, am I correct there?  23 Q Sure. I guess my point is that you said your  24 policy started with the '608 patent, the shearing</p>	<p>Page 128</p> <p>1 your employees would be motivated if they thought they  2 would receive all the compensation for inventions if  3 they were pursued as patents eventually?  4 A Sure.  5 Q And you thought that your employees would be  6 more motivated if they thought they could get more  7 money, is that right?  8 A That's right.  9 Q So your choice -- your decision not to name  10 yourself as an inventor on the shaver cleaning system,  11 that was a deliberate choice, correct?  12 A Totally.  13 Q And when you made that choice you did recognize  14 that you were actually an inventor of the shaver  15 cleaning system?  16 A Sure, yeah.  17 Q After you -- after you left Braun, did you ever  18 tell anyone that you thought you were an inventor of the  19 shaver cleaning system?  20 A No.  21 Q Well, do you know how it was that Braun came to  22 discover that you were actually an inventor of the  23 shaver cleaning system?  24 A I don't know the background of that what was</p>

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<p style="text-align: right;">Page 129</p> <p>1 reason that they called me in. Only simply because of    2 -- that what I learned then later on that the United    3 States all inventors have to be named which is -- I    4 didn't know of.</p> <p>5 Q Well, did you have any understanding one way or    6 the other?</p> <p>7 A Which way?</p> <p>8 Q Regarding United States patent law.</p> <p>9 A No, I haven't -- I don't know about patent    10 laws.</p> <p>11 Q So I mean --</p> <p>12 A Inform me on that.</p> <p>13 Q Did you have any understanding regarding German    14 patent law as to inventorship in the early '90s?</p> <p>15 A Well, I had -- I had the information that -- I    16 was aware that one can deliberately not name himself on    17 any patent. It's up to everybody that he has not put    18 his name on the invention.</p> <p>19 Q How were you aware of that?</p> <p>20 A Don't ask me. I don't know the details. I    21 can't tell you to be honest.</p> <p>22 Q But you were aware of that in the early '90s,    23 is that correct?</p> <p>24 A Earlier even.</p>	<p style="text-align: right;">Page 131</p> <p>1 department of R &amp; D shavers. The climate was lousy due    2 to the fact that it happened that ideas had been stolen    3 to say regret. And simply to overcome that I had to    4 make it clear as a boss setting positive example that    5 this never ever will happen as I'm boss of the    6 department. And to prove that was the best thing that    7 was evident that I don't fancy to be named on any    8 patent.</p> <p>9 MR. SHIMOTA: Q In any of your -- the two earlier    10 patents which are filed, the U.S. Patent No. 4,922,608    11 and U.S. Patent No. 4,578,861, did you have occasion to    12 communicate with United States patent attorneys?</p> <p>13 A No.</p> <p>14 Q Well, in connection with those patents did you    15 sign an oath?</p> <p>16 A I don't know.</p> <p>17 MR. PATTON: Is it something you remember?</p> <p>18 THE WITNESS: I don't remember that, no.</p> <p>19 MR. SHIMOTA: Q Do you know what an oath is?</p> <p>20 A Yes, that thing.</p> <p>21 Q Where you swear to be truthful.</p> <p>22 A Yes.</p> <p>23 Q Well, do you have any reason to disbelieve that    24 you would have signed an oath at that time?</p>
<p style="text-align: right;">Page 130</p> <p>1 Q Because you were aware of that was that -- did    2 you feel more comfortable with your policy because you    3 were aware of that fact?</p> <p>4 MR. PATTON: I object to the form of the question.</p> <p>5 THE WITNESS: Can you please repeat the question?</p> <p>6 MR. SHIMOTA: Q Did you feel more comfortable with    7 your policy because you were aware that in Germany an    8 inventor could deliberately choose to conceal his role    9 in the process?</p> <p>10 MR. PATTON: I object to the form of the question.</p> <p>11 That's not the testimony.</p> <p>12 THE WITNESS: Sorry. I can't follow you.</p> <p>13 MR. PATTON: I'm objecting to the form of his    14 question because I think it misstates what your earlier    15 testimony was. But if you understand the question, you    16 can answer it.</p> <p>17 THE WITNESS: Put that way I wasn't worried too much    18 about whether it's possible yes or no. My objective was    19 to motivate my crop, my workforce, and I think one of    20 the methods was to just stay off them of my ideas, let    21 them be the inventors on these dockets here, on this    22 patent applications, especially because there was one    23 reason which made me easier to decide on my policy,    24 inverted commas, it was the climate when I took over the</p>	<p style="text-align: right;">Page 132</p> <p>1 A Sorry. I didn't get you.</p> <p>2 Q Signed an oath attesting to the fact that you    3 were an inventor on at least these two patents.</p> <p>4 A I'm not aware. I'm sorry. I really don't    5 know.</p> <p>6 Q Did anyone ever have -- did any lawyer ever    7 discuss the concept of inventorship with you?</p> <p>8 A No.</p> <p>9 Q I want to again ask you this question. How did    10 you come to your understanding of German law at some    11 point prior to or on -- in the early '90s?</p> <p>12 A Really hard for me to tell you. I don't know    13 how I arrived to that. I don't see anything uncorrect    14 or incorrect when I just refrain from being mentioned on    15 a patent. So if I would have put my name additionally    16 on it, it might be a crime, but not if I stay off the    17 patent.</p> <p>18 Q Did you explicitly -- did you order Mr. Braun    19 not to list you as an inventor on this invention    20 disclosure?</p> <p>21 A Yes, I told him he should be named alone on the    22 thing.</p> <p>23 Q Did he tell you that he felt uneasy about    24 naming himself as the sole inventor of the shaver</p>

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<p>1 cleaning system?</p> <p>2 A I'm not 100 percent sure, but I don't know</p> <p>3 whether he felt unhappy or uneasy, I don't know.</p> <p>4 Q Would it surprise --</p> <p>5 A Because it's -- he didn't mention it to me, but</p> <p>6 as far as I recall, and I cannot read in his head, you</p> <p>7 know.</p> <p>8 Q Well, did he ever ask you whether you should be</p> <p>9 listed as inventor of the shaver cleaning system?</p> <p>10 A Not as I'm aware of. I cannot recall that.</p> <p>11 Q Well, how did you come to tell him that you</p> <p>12 should not be listed as -- on the shaver cleaning</p> <p>13 system?</p> <p>14 A As I told you, I wanted to motivate him. I</p> <p>15 told him that all he's doing on the cleaning shaver</p> <p>16 system will be his patent or he will be the inventor of</p> <p>17 the thing, the official one.</p> <p>18 Q Well, did you assist him in preparing his</p> <p>19 invention application?</p> <p>20 A Pardon?</p> <p>21 Q Did you -- it says in paragraph 22 I reviewed</p> <p>22 the invention disclosure statement.</p> <p>23 A Yes.</p> <p>24 Q Did you assist Mr. Braun in preparing that</p>	<p>Page 133</p> <p>1 A I told him that this has been developed in</p> <p>2 Leon, yes. I asked him to proceed in developing the</p> <p>3 product for Braun.</p> <p>4 Q You also told Mr. Braun that you did not --</p> <p>5 that you had no desire to be named as an inventor on any</p> <p>6 patents for the shaver cleaning system?</p> <p>7 A Right, later on, once he started putting in</p> <p>8 invention -- what is the name? Disclosure.</p> <p>9 Q It says that you -- I neither -- you didn't</p> <p>10 inform Braun's patent department that you were an</p> <p>11 inventor of portions of the invention?</p> <p>12 A I assure you not.</p> <p>13 Q Did you ever discuss with them the fact that</p> <p>14 you had performed work on the shaver cleaning system?</p> <p>15 A With the patent department?</p> <p>16 Q Yes.</p> <p>17 A No.</p> <p>18 Q Had you kept it a secret from the patent</p> <p>19 department?</p> <p>20 A Captured the secret.</p> <p>21 Q Did you keep the existence of your work on the</p> <p>22 shaver cleaning system a secret from the patent</p> <p>23 department?</p> <p>24 A Yes, it is mentioned here.</p>
<p>Page 134</p> <p>1 invention disclosure statement?</p> <p>2 A The invention disclosure statement, what's</p> <p>3 this? Yes, but this is normal thing. He has to do</p> <p>4 that -- what was the name again?</p> <p>5 Q It says invention disclosure statement.</p> <p>6 A It says invention disclosure statement. He has</p> <p>7 to do it when he wants to apply for patent. That's</p> <p>8 normal type of procedure inhouse.</p> <p>9 Q Did you -- did you -- but my question is, did</p> <p>10 you assist Mr. Braun in preparing --</p> <p>11 A No, I did not assist.</p> <p>12 Q But you did eventually review it, correct?</p> <p>13 A Yes.</p> <p>14 Q And you recognize it described your work,</p> <p>15 correct?</p> <p>16 A Yes.</p> <p>17 Q Look at paragraph 24. It states I neither</p> <p>18 informed Mr. Braun nor Braun's patent department that I</p> <p>19 was inventor of portions of the invention disclosed in</p> <p>20 the internal invention disclosure submitted by Mr. Braun</p> <p>21 that described the device for cleaning dry shavers.</p> <p>22 My first question is, so you never told</p> <p>23 Mr. Braun that you had performed the original work on</p> <p>24 the shaver cleaning system?</p>	<p>Page 136</p> <p>1 Q Why did you keep it a secret from the patent</p> <p>2 department?</p> <p>3 A Possibly by then they might have said okay we</p> <p>4 need your name on the paper there.</p> <p>5 Q Why do you think they would have said we need</p> <p>6 your name on the patent document?</p> <p>7 A I don't know, but I assumed that, you know. I</p> <p>8 said possibly.</p> <p>9 Q In states in paragraph 27, I have reviewed the</p> <p>10 claims in U.S. Patent Nos. 5,711,328, '328 patent, and</p> <p>11 5,649,566, '566 patent. Is it correct you reviewed the</p> <p>12 claims of those two patents?</p> <p>13 A Yes.</p> <p>14 Q You understand the claims of those two patents</p> <p>15 after reviewing them.</p> <p>16 A Yes, as far as one can understand patent</p> <p>17 English, yes.</p> <p>18 Q In connection with deciding whether or not you</p> <p>19 were co-inventor, did you take the time to read the</p> <p>20 claims and make an effort to understand them?</p> <p>21 A Yes.</p> <p>22 Q In paragraph 25 you state that you have</p> <p>23 understanding -- states, first, that you understand that</p> <p>24 based on Mr. Braun's internal invention disclosure Braun</p>

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<p>1 filed German patent applications on the cleaning device.  2 You didn't know in the early '90s that patent  3 applications had been filed in the cleaning device?  4 A Early '90s?  5 Q When the patent applications were actually  6 filed, you were not aware that Braun was pursuing patent  7 protection?  8 A I didn't worry about it. It wasn't -- I didn't  9 know when they filed the patent thing because this I  10 don't read.  11 Q You didn't know that Braun had even filed  12 patent applications until very recently?  13 A No, I knew that Mr. -- Mr. Braun Braun.  14 Q Braun the company?  15 A Braun the company?  16 Q Braun the company?  17 A I knew that Mr. Braun was looking for patent --  18 to put in patent declaration, but I was not pursuing the  19 case anymore. And I don't know when and if Braun put in  20 patents until this issue came up with the United States  21 patent.  22 Q So I guess I'm correct in assuming that you  23 never reviewed any draft of the German patent  24 application?</p>	<p>Page 137</p> <p>1 Q And I mean basically because of the verb tense  2 it's not clear when your awareness came about and that's  3 what --  4 A It's not clear. I cannot tell you when and how  5 I came to that point.  6 Q What was your understanding regarding  7 inventorship under U.S. patent law?  8 A None.  9 Q You have no understanding whatsoever?  10 A No understanding, yes.  11 Q And what is your understanding today?  12 A That all inventors have to be named.  13 Q Given that understanding do you now regret your  14 policy?  15 MR. PATTON: I object to the form of the question.  16 I'm just objecting to the form. If you  17 understand the question you can answer it.  18 THE WITNESS: Okay. Would you please repeat your  19 question?  20 MR. SHIMOTA: Q Given your current understanding of  21 U.S. patent law, do you regret your -- regret your  22 decision not to include yourself as an inventor on the  23 shaver cleaning system?  24 MR. PATTON: Same objection.</p>
<p>1 A No, I didn't.  2 Q Am I also correct in assuming you didn't have  3 any discussions with any attorneys in --  4 A No.  5 Q It says here in the next sentence I understand  6 that under German patent law a German patent is valid  7 even if it fails to name all inventors.  8 A Yes.  9 Q How did you gain that understanding?  10 A You asked me that question a couple of minutes  11 ago. I cannot give you concrete answer on that how and  12 when.  13 Q Well, I mean that's just what confuses me  14 because when the phrase I understand appears, it seems  15 to suggest to me that someone told you something and you  16 are just recounting I understand what has been told to  17 me by the lawyers. Is that what is meant by what you  18 mean when you use the phrase I understand?  19 MR. PATTON: I object to the form of the question.  20 THE WITNESS: Can we divide the question into  21 different wording, rephrase it. That's the problem.  22 MR. SHIMOTA: Q What do you mean when you say I  23 understand?  24 A What I'm aware of in other words.</p>	<p>Page 138</p> <p>1 THE WITNESS: But I can still answer the question so  2 far, I do regret because I was not fulfilling the  3 American or U.S. patent law. I didn't know of it. This  4 particular case I'd say in -- if I would have known,  5 certainly I would have put my name on the invention.  6 But I didn't know that thing that it's necessary or it's  7 a must or it's law. I didn't know that. So and so far  8 I regret that I didn't put my name on the U.S. patent  9 application.  10 MR. SHIMOTA: Q And --  11 A You see I'm not criminal.  12 Q You had, I believe -- well -- do you have any  13 reason to disbelieve that in connection with the patents  14 I have marked as exhibits that you signed an oath which  15 attested, amongst other things, that you were an  16 inventor of those patents?  17 MR. PATTON: I object to the form of the question,  18 and I also object on the ground it's been asked and  19 answered.  20 THE WITNESS: It's a little bit confusing for me the  21 question. Would you please repeat it?  22 MR. SHIMOTA: Q Do you have any reason to disagree  23 that in connection with your issued U.S. patents that  24 you signed an oath in each which attested to, among</p>

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<p>1 other things, that you were an inventor of those 2 patents?</p> <p>3 MR. PATTON: Same objection.</p> <p>4 THE WITNESS: I'm not quite clear about the 5 beginning of your question. What you -- can you please 6 repeat it. Excuse me?</p> <p>7 MR. SHIMOTA: Q Sure. Do you have any reason to 8 disagree that in connection with your U.S. patent 9 applications you signed an oath attesting to the fact 10 that you were an inventor on each of those patents?</p> <p>11 MR. PATTON: I object to the form of the question.</p> <p>12 THE WITNESS: I don't understand the question.</p> <p>13 THE INTERPRETER: It's really too complicated with 14 three or four negative formulations.</p> <p>15 MR. SHIMOTA: Let me try and reask the question.</p> <p>16 THE WITNESS: Can you put the question in say in 17 separate --</p> <p>18 MR. PATTON: My objection is that I think you asked 19 Dr. Pahl earlier if he recalled signing an oath, and he 20 testified that he did not. So that's one of the reasons 21 I think the question is confusing.</p> <p>22 MR. SHIMOTA: Q It is a different question. But in 23 connection with your U.S. patent applications, did 24 anyone explain to you the duty of candor?</p>	<p>Page 141</p> <p>1 THE INTERPRETER: False oath. 2 MR. SHIMOTA: Q Do you understand what filing a 3 false oath is?</p> <p>4 A Yes.</p> <p>5 Q Do you understand that there are consequences 6 associated with filing a false oath?</p> <p>7 A Yes, sure.</p> <p>8 Q And what is your understanding of what those 9 consequences are?</p> <p>10 A That I don't tell you, but it's some type of 11 punishment. Let's put it that way. If I go into United 12 States they would catch me at the border and put into 13 jail, whatever. I don't know.</p> <p>14 Q If you look again to your presentation again, 15 the future. Turn to B4855 if that makes sense.</p> <p>16 You see there -- well, is this page discussing 17 as well the cleaning system?</p> <p>18 A Let me look. Partly, yes.</p> <p>19 Q Which parts?</p> <p>20 A You see it says the page ahead, before, that I 21 wanted to make the functions and the handleability of 22 the shaver easier for the consumer. I put the heading 23 the shaver does everything on its own without the user 24 has to do anything such as cleaning or maintenance ever</p>
<p>1 A What's candor?</p> <p>2 THE INTERPRETER: You have say the truth, to be open 3 and say everything that is the truth.</p> <p>4 MR. SHIMOTA: Q That you have the duty to tell the 5 truth in U.S. patent applications.</p> <p>6 A I think telling the truth is quite common 7 thing. It doesn't apply only for American patent 8 applications.</p> <p>9 MR. PATTON: The question is did anyone explain to 10 you the duty -- in connection with U.S. patent.</p> <p>11 THE WITNESS: No. You mean what consequences it 12 would have had if I wouldn't tell the truth or what?</p> <p>13 MR. PATTON: Well, I think the -- I think the 14 question asked did anyone explain to you in connection 15 with the U.S. patents the duty of candor.</p> <p>16 THE INTERPRETER: Which is the duty to say the 17 truth.</p> <p>18 THE WITNESS: No, nobody explained it to me, but if 19 it says it at the end of the thing I -- declaration 20 under -- knowing what's the wording there, I declare 21 under penalty of perjury and so on, so forth. 22 Expectation I have to tell the truth.</p> <p>23 MR. SHIMOTA: Q Do you understand what perjury is?</p> <p>24 A Punishment, I assume.</p>	<p>Page 142</p> <p>1 batteries, charging, et cetera. And then on the page 2 855 it gives you possible solutions and new features. 3 And it says that the user only had to do the following 4 things to shave in the morning. He put -- switches 5 shaver on, he shaves, and if he needs he has trimmer to 6 trim sideburns. Then once per year he renews the 7 cutting elements -- replace cutting elements, he cleans 8 the filter of the cleaning solution and he refills the 9 cleaning liquid. And the whole thing is being 10 controlled by fuzzy logic which at the time was a little 11 bit questionable thing at the time.</p> <p>12 Q What do you mean by fuzzy logic?</p> <p>13 A It was standing name for complicated electronic 14 logic. Had a certain meaning at the time. You should 15 know the word. It was in every newspaper, technical 16 magazine, fuzzy logic.</p> <p>17 MR. VORBECK: Term of art fuzzy logic.</p> <p>18 MR. SHIMOTA: Q Did you use fuzzy logic in your 19 shaver cleaning system?</p> <p>20 A No, but at that time it was fashionable and in 21 presentation from time to time you put in some 22 fashionable words.</p> <p>23 Q It indicates there or indicates on this 24 document, B4855, that the cleaning -- would you clean</p>

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<p>1 the filter and refill the fluid once per year?</p> <p>2 A Yes.</p> <p>3 Q Is that correct?</p> <p>4 A Right.</p> <p>5 Q So at that time you thought that you would only</p> <p>6 need to clean the filter once a year?</p> <p>7 A Right. If you look at the heading it mentions</p> <p>8 future. That was not the present state of art. That</p> <p>9 was the vision for some five years ahead.</p> <p>10 Q Why did you think it was five years ahead?</p> <p>11 A Even 10 years ahead, future, vision was the</p> <p>12 purpose of that presentation.</p> <p>13 Q So at that time you thought the shaver cleaning</p> <p>14 system would be introduced approximately 5 to 10 years</p> <p>15 ahead into the future?</p> <p>16 A Even earlier introduced, but to have it in a</p> <p>17 way done or designed or operated that you only have to</p> <p>18 refill it and clean after one year was the ultimate</p> <p>19 target. Whether it's -- it could become reality or not</p> <p>20 is not mentioned here. It was -- purpose of that</p> <p>21 presentation was to show visions where Braun can go to.</p> <p>22 Q At that time when did you think it was feasible</p> <p>23 to have the shaver cleaning system introduced into the</p> <p>24 market?</p>	<p>Page 145</p> <p>1 that was built in Leon?</p> <p>2 A Yes.</p> <p>3 Q Is this the whitish device that you described?</p> <p>4 A No, that's one of the coarse ones, the two</p> <p>5 coarse ones. Remember?</p> <p>6 Q I was just wondering. This is one of what we</p> <p>7 called the functional models?</p> <p>8 A Correct.</p> <p>9 Q And how -- just if you can describe in words</p> <p>10 how would the original prototype have differed from</p> <p>11 what's represented in this picture, pictures? Excuse</p> <p>12 me.</p> <p>13 A As I mentioned the motors there or motor, looks</p> <p>14 like whether it's one motor, and the shaver itself it</p> <p>15 looks like different one -- I can't tell you. But this</p> <p>16 one definitely is something new to me.</p> <p>17 Q Would you say that again? I didn't hear.</p> <p>18 A Something new to me, the tower.</p> <p>19 Q The tower?</p> <p>20 A The motors, motor.</p> <p>21 Q So you -- what you had seen developed you had</p> <p>22 never seen this device with the motors and the tower?</p> <p>23 A No. The lower part, yes, but not that one.</p> <p>24 Q Do you know whether Braun -- Mr. Braun had ever</p>
<p>Page 146</p> <p>1 A As soon as possible.</p> <p>2 Q Did you have a timeframe in mind?</p> <p>3 A No.</p> <p>4 Q Did you think it would take more than three</p> <p>5 years?</p> <p>6 A It can be. Normal time of projects through put</p> <p>7 in a company is round about 3 years, but I never thought</p> <p>8 about that.</p> <p>9 Q I'm going to show you what has been previously</p> <p>10 marked as defendant's Exhibit No. 3. I ask you if you</p> <p>11 recognize these pictures.</p> <p>12 A Of course. These are first one. Second one</p> <p>13 looks similar, not quite, shaver is missing. Okay.</p> <p>14 Q What is represented in this picture?</p> <p>15 A This is what I named the two -- one of the two</p> <p>16 prototypes, however, with a modification in that area.</p> <p>17 Q What is the modification you're referring to?</p> <p>18 A This tower here looks to me like electric</p> <p>19 motors or one electric motor.</p> <p>20 Q What is the purpose of that tower?</p> <p>21 A I can tell you -- apparently these are motors</p> <p>22 for driving a pump or fan wheel or both. I honestly</p> <p>23 can't tell you that.</p> <p>24 Q Is this a picture of the original prototype</p>	<p>Page 148</p> <p>1 put motors at the top of the tower?</p> <p>2 A No, I don't know of.</p> <p>3 Q Do you know what happened to your original</p> <p>4 prototypes after you left Braun?</p> <p>5 A No.</p> <p>6 Q Did you ever keep any of the prototypes in your</p> <p>7 office or prototypes or functional models?</p> <p>8 A I can't tell you. I don't know. Really I</p> <p>9 don't know.</p> <p>10 Q Did your functional models include both an</p> <p>11 impeller and heater?</p> <p>12 A Yes, they did.</p> <p>13 Q Did your functional models also include a</p> <p>14 bracket for insertion of the shaver?</p> <p>15 A What do you mean by bracket?</p> <p>16 Q Anything to support the shaving device.</p> <p>17 A As I mentioned, down in the cradle the two</p> <p>18 rubber cushions and up there a quite narrow plastic and</p> <p>19 partly rubber -- it's called ring or device to keep the</p> <p>20 shaver that it doesn't fall left or right.</p> <p>21 Q That part that we discussed earlier, that</p> <p>22 wasn't part of the cradle, right?</p> <p>23 A Which one wasn't?</p> <p>24 Q The part that you were discussing, the ring,</p>

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<p style="text-align: right;">Page 149</p> <p>1 was not part of the cradle, is that correct?</p> <p>2 A It was not part of the cradle. It was part of</p> <p>3 the upper half of the cleaning center.</p> <p>4 Q And can you point to on that first picture</p> <p>5 where the cleaning fluid container is?</p> <p>6 A That whole thing here is a container in which</p> <p>7 the cradle reaches in. That is the cradle here. And</p> <p>8 was filled up to some level with liquid.</p> <p>9 Q Okay. And so is the pump -- can you point me</p> <p>10 to the pump in that picture?</p> <p>11 A The pump itself is sitting down there. Let me</p> <p>12 turn around to verify. You cannot see it on the</p> <p>13 picture. But it's down there on the bottom of the</p> <p>14 container and the motor is sitting in the upper half of</p> <p>15 the device.</p> <p>16 Q Can you tell me where the filter would have</p> <p>17 been in this drawing as well or show me?</p> <p>18 A You cannot see the filter because it's sitting</p> <p>19 -- this is the pump motor or fan motor and the filter is</p> <p>20 sitting behind there, but in lower part.</p> <p>21 Q That's where the filtration is occurring in the</p> <p>22 lower part?</p> <p>23 A In the lower part. That is the wet part, that</p> <p>24 is the electric part. As I mentioned to you strictly</p>	<p style="text-align: right;">Page 151</p> <p>1 that. That was the shaver cartridge.</p> <p>2 Don't ask me now where pump was. Must have</p> <p>3 been down there in the thing. It was overhanging. This</p> <p>4 would be like that somehow. And then, of course, shaver</p> <p>5 was in two contacts there. But the basic feature of the</p> <p>6 concept was that when you have a bird's-eye view, look</p> <p>7 from here, that you had a cartridge, I think the</p> <p>8 cartridge was even like that, sitting here forming the</p> <p>9 rear end of the cleaning center and the shaver was just</p> <p>10 sitting outside there visible, not as immersed as in the</p> <p>11 old original drawings from Leon, sitting there. And the</p> <p>12 cradle was covered by means of that plastic box.</p> <p>13 Somewhat understand. But you see the model the feature</p> <p>14 was that I call it key shape, a little bit like a</p> <p>15 keyhole.</p> <p>16 MR. SHIMOTA: Q Do you know when that design would</p> <p>17 have been completed approximately?</p> <p>18 A No, no.</p> <p>19 Q Would it have been -- it would have taken a</p> <p>20 period of months after you first talked with Mr. Braun</p> <p>21 or would it have been --</p> <p>22 A Would have been quite a while. Say</p> <p>23 three-quarters of a year could have been easily.</p> <p>24 Q Do you know why it took that amount of time?</p>
<p style="text-align: right;">Page 150</p> <p>1 divided by means of these two shelves, clamp, you push</p> <p>2 here it opens -- opens the thing and you can tilt the</p> <p>3 whole thing away.</p> <p>4 Q I see. You mentioned Mr. Schneider as a</p> <p>5 designer. What did Mr. Schneider do to change this</p> <p>6 design to, I guess, make it more pleasing?</p> <p>7 A Therefore I have to make you sketch.</p> <p>8 Q If I give you a piece of paper, could you do it</p> <p>9 for me?</p> <p>10 A Sure.</p> <p>11 Q Mark this as defendant's deposition Exhibit</p> <p>12 No. 32.</p> <p>13 MR. PATTON: I only point out that Dr. Pahl is doing</p> <p>14 this from memory.</p> <p>15 (Exhibit 32 marked as requested)</p> <p>16 THE WITNESS: Sure. Let's start with a shaver. See</p> <p>17 here is the head and cradle, something like that,</p> <p>18 internally, of course, it's the shape of the shaver head</p> <p>19 and the thing went like that. And behind there was</p> <p>20 sitting to make a bird's-eye view looked roundabout like</p> <p>21 that with a shaver sitting in here, and it was a cradle</p> <p>22 and here was the cartridge. Both at the time when we</p> <p>23 had the cartridge standing -- sketches are different --</p> <p>24 are difficult. Cartridge was little V shaped, was like</p>	<p style="text-align: right;">Page 152</p> <p>1 A Pardon?</p> <p>2 Q Do you know why it took that amount of time,</p> <p>3 three-quarters of a year?</p> <p>4 A I'm not 100 percent sure, but that's what I</p> <p>5 guess, because development of that is not so easy,</p> <p>6 designer come up with an aesthetic, the poor designer</p> <p>7 like Braun has to get the bits and pieces into it. It</p> <p>8 is most difficult.</p> <p>9 Q Do you know whether Mr. Schneider would be able</p> <p>10 to provide some answer to that question for me?</p> <p>11 A I assume, yes, from his memory.</p> <p>12 MR. SHIMOTA: We have to take -- switch tapes. Also</p> <p>13 I mean, as I said, if you ever want to take a break,</p> <p>14 just ask.</p> <p>15 THE VIDEOGRAPHER: Here concludes tape 2. We're</p> <p>16 going off the video record at 2:52 p.m.</p> <p>17 (Off the record)</p> <p>18 THE VIDEOGRAPHER: We are going back on the video</p> <p>19 record at 3:07 p.m. Here begins tape 3.</p> <p>20 MR. SHIMOTA: Q Welcome back.</p> <p>21 Have you reviewed any notes today to assist you</p> <p>22 in recalling facts?</p> <p>23 A No.</p> <p>24 Q Did you bring any notes with you today?</p>

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<p>1 A Well, I have American patent application with 2 me and my declaration.</p> <p>3 Q I'd like to mark as defendant's deposition 4 Exhibit No. 33 a document bearing the Bates number 5 B00856.1 to B861.</p> <p>6 (Exhibit 33 marked as requested)</p> <p>7 Q I believe the German original is in the back 8 and English translation in the front. Ask you to take 9 your time, if you need to, whether you recognize at 10 least the German language documents.</p> <p>11 MR. PATTON: Did you --</p> <p>12 MR. SHIMOTA: Q I asked him if he recognized the 13 document.</p> <p>14 A Yes.</p> <p>15 Q You do?</p> <p>16 A Yes.</p> <p>17 Q What is the document?</p> <p>18 A You mean page 1?</p> <p>19 Q Do you know what the document is as a whole?</p> <p>20 A Yes.</p> <p>21 Q What is it?</p> <p>22 A It is page 1 the questionnaire or questionnaire 23 format from the patent department which I had to 24 supervise and there were questions whether -- in English</p>	<p>Page 153</p> <p>1 put into theory after '94.</p> <p>2 Q What was significant about the year 1994?</p> <p>3 A I don't know what was significant then, but you 4 normally don't put in a new -- a new cleaning center, 5 new item, new product into old age shavers. I would say 6 that was the reason I wrote '94.</p> <p>7 Q Does that refresh your recollection as to when 8 you thought the shaver cleaning center could be 9 commercialized?</p> <p>10 A No, no because I cannot tell you at what date 11 top line model 6016 was planned to be in production. I 12 cannot tell you off record.</p> <p>13 Q Do you know how I could find out when the 6016 14 was planned to be in production?</p> <p>15 A Yes, certainly could find out.</p> <p>16 Q How would I find that out if I needed to?</p> <p>17 A With the PPM, the program project manager.</p> <p>18 Q Do you know who the project manager for the 19 6016 was in -- at least --</p> <p>20 A Gentleman called Mr. Faulstich, 21 F-A-U-L-S-T-I-C-H.</p> <p>22 Q If you look at item 4 on this list, can you 23 tell me what your response to item 4 is or the first 24 response?</p>
<p>1 and I have to give my comments on that.</p> <p>2 Q Is this your handwriting on this?</p> <p>3 A This is my handwriting.</p> <p>4 Q Was this document sent to both yourself and 5 Gilbert Greaves.</p> <p>6 A Yes.</p> <p>7 Q Do you know why it's it was sent to 8 Mr. Greaves?</p> <p>9 A It's common procedure.</p> <p>10 Q What department was Mr. Greaves in again?</p> <p>11 A He was business director of shavers and what 12 his -- I don't know what it was then I don't know.</p> <p>13 Q Do you know why it was common practice to sent 14 an invention application to a business director?</p> <p>15 A For instance, there's one question number 2, is 16 it proposed to implement the proposal in an existing or 17 future product. This might have been only business 18 director can answer.</p> <p>19 Q Did you answer that question, is that your 20 handwriting?</p> <p>21 A I did.</p> <p>22 Q What was your answer?</p> <p>23 A Eventually in the appliance 6016 is the code 24 name for top line shaver plus appliances which have been</p>	<p>Page 154</p> <p>1 A The answer was yes because of the fact that our 2 competitors have got the same problems.</p> <p>3 Q Did you have reason to believe that your 4 competitors were also working on cleaning systems?</p> <p>5 A No, but I was aware that they had the same 6 problems, how to get rid of the dirt.</p> <p>7 Q You did tell the patents application they 8 should rush the filing of this patent application, 9 correct, or that you did believe it should be rushed, is 10 that correct?</p> <p>11 MR. PATTON: I object to the form.</p> <p>12 THE WITNESS: That's what I said, yes.</p> <p>13 MR. SHIMOTA: Q Did you know of any other reasons 14 why there would be a need to rush?</p> <p>15 A No. But you normally answer the things with 16 yes or no and give a reason why you answer that. And if 17 you write no then it's normally the project is dead.</p> <p>18 The question is -- you have it quite correct translated 19 is it particular rush requested and -- you write no then 20 the project would be dead. Ever since I was a sponsor 21 for project and co-inventor I was interested in getting 22 it off the road. And I was convinced it was a good 23 thing right away.</p> <p>24 Q You said the translation is not quite correct.</p>

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<p style="text-align: right;">Page 157</p> <p>1 What --</p> <p>2 A Your translation of the question is correct,</p> <p>3 but the answer wasn't -- hasn't been translated because</p> <p>4 they couldn't read my writing, I assume.</p> <p>5 Q What was your answer to the second question</p> <p>6 under point 4?</p> <p>7 A That's a funny question. Is contact with third</p> <p>8 parties intended? This is in the moment when due to any</p> <p>9 reason a sub supplier for any item is necessary to have,</p> <p>10 let's say, for instance some guy who develops liquid for</p> <p>11 the shaver. In this particular moment you do -- if you</p> <p>12 go to the sub supplier and he gets aware about what you</p> <p>13 are doing there and he might file patent on it, and to</p> <p>14 avoid that it's a question whether contact with third</p> <p>15 party is necessary, is intended and at this point in</p> <p>16 time there was none, that's why I put no in.</p> <p>17 Q Is that also asking whether there would be</p> <p>18 potential contact with testing agencies?</p> <p>19 A That could include it, yes, but normally we</p> <p>20 have testing agency, our test department here in house.</p> <p>21 Q Did any third parties perform tests on the</p> <p>22 shaver cleaning device?</p> <p>23 A It didn't happen, no, but you could ask a third</p> <p>24 party, but normally we test all appliances first in our</p>	<p style="text-align: right;">Page 159</p> <p>1 practice to monitor prior art related to projects that</p> <p>2 you were working on?</p> <p>3 A No. It's basically this is mostly objective of</p> <p>4 the patent department, but I can't tell you -- what I</p> <p>5 mean -- what were the attachments. I haven't a clue.</p> <p>6 It's very long ago.</p> <p>7 Q Do you have any reason to believe that the</p> <p>8 patent department did not receive what you submitted to</p> <p>9 them?</p> <p>10 A No. They received everything.</p> <p>11 Q Why do you say they received everything?</p> <p>12 A Normal inhouse mail was perfect.</p> <p>13 Q I take it that before preparing this document</p> <p>14 you reviewed Mr. Braun's invention application?</p> <p>15 A Yes, that was attached to it.</p> <p>16 Q Do you know whether Mr. Greaves also reviewed</p> <p>17 the invention application?</p> <p>18 A I don't know. I don't get feedback of him.</p> <p>19 Q Did you discuss the invention application with</p> <p>20 Mr. Greaves?</p> <p>21 A No, no.</p> <p>22 Q Did Mr. Greaves ever ask you any questions</p> <p>23 about the invention applications?</p> <p>24 A Not that I'm aware of.</p>
<p style="text-align: right;">Page 158</p> <p>1 house here and they are very strict so you don't need a</p> <p>2 third party.</p> <p>3 Q You have no recollection of any third party</p> <p>4 testing the shaver cleaning device in this timeframe</p> <p>5 approximately?</p> <p>6 A No.</p> <p>7 Q Can you look to point 5? I'll ask you what</p> <p>8 your answer to point 5 was.</p> <p>9 A See enclosure is what it stated, but don't ask</p> <p>10 me what enclosures that were. Are the enclosures</p> <p>11 attached to the thing here?</p> <p>12 Q Well, my question for you is, did you attach</p> <p>13 enclosures to this memo?</p> <p>14 A Apparently, yes, because I wrote it there.</p> <p>15 Q And you would have provided this memo and the</p> <p>16 enclosures to the patent department, am I right?</p> <p>17 A Yes.</p> <p>18 Q And do you recall what those enclosures were?</p> <p>19 A Unfortunately not. Unfortunately not.</p> <p>20 Q And what is the question under point 5?</p> <p>21 A Are you aware about -- of prior art going</p> <p>22 beyond the details in the invention indication. It's</p> <p>23 correctly translated.</p> <p>24 Q At the time -- around this time was it your</p>	<p style="text-align: right;">Page 160</p> <p>1 Q Do you know which lawyer you provided -- which</p> <p>2 lawyer in the patent department you provided this</p> <p>3 document to?</p> <p>4 A Well, there was one gentleman called Mr. Klauer</p> <p>5 who was dealing with all shaver related applications and</p> <p>6 he got the thing certainly.</p> <p>7 Q Would you have hand -- you would have placed</p> <p>8 this in the mail and reached him through the mail?</p> <p>9 A Yes.</p> <p>10 Q How do you know that Mr. Klauer was in charge</p> <p>11 of -- did you say patents on shaver developments?</p> <p>12 A Yes, on all.</p> <p>13 Q How did you know that?</p> <p>14 A Because we worked together with him so every</p> <p>15 designer went to him presenting him the thing and -- his</p> <p>16 idea, and, of course, we discussed from time to time</p> <p>17 with Mr. Klauer and myself discuss the thing, and there</p> <p>18 were the monthly patent reviewing meetings when he would</p> <p>19 present us the shaver or his side, the shaver related</p> <p>20 patents, and we're to decide whether we continue in</p> <p>21 pursuing it yes or no. So it was quite clear that</p> <p>22 Mr. Klauer was the one -- the man who was dealing with</p> <p>23 shaver, dry shaver patents.</p> <p>24 Q You say the monthly patent reviewing meetings.</p>

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<p>1 A Yes.</p> <p>2 Q What were those?</p> <p>3 A Well, there are basically decisions to be made</p> <p>4 whether one applies for a patent in Germany or in</p> <p>5 different country or which country, whether one should</p> <p>6 not pursue the patent, let it fall because it's of no</p> <p>7 use and this -- the patent costs are too expensive to</p> <p>8 save money, so on, so forth. Basically decision on what</p> <p>9 happens to the patent.</p> <p>10 Q Did you attend these meetings?</p> <p>11 A Yes.</p> <p>12 Q Was your attendance at these meetings required</p> <p>13 as part of your job responsibilities?</p> <p>14 A Yes.</p> <p>15 Q Were documents distributed at these meetings?</p> <p>16 A Yes, basically what they do, they put first</p> <p>17 picture of the patent, with picture you know, so you</p> <p>18 know what the patent is dealing with, and the different</p> <p>19 countries where it's being filed, where we could</p> <p>20 eliminate countries, et cetera, et cetera, to save cost,</p> <p>21 this type of thing.</p> <p>22 Q Was the shaver cleaning system ever discussed</p> <p>23 in one of these monthly patent reviewing meetings?</p> <p>24 A No.</p>	<p>Page 161</p> <p>1 The head of the dry shaver development group, you left</p> <p>2 that position in May of '95?</p> <p>3 A Yes.</p> <p>4 Q And from the period -- up until May of '95,</p> <p>5 would you have attended all these monthly patent review</p> <p>6 meetings?</p> <p>7 A Yes.</p> <p>8 Q After May of '95 did you stop attending the</p> <p>9 monthly patent review meetings?</p> <p>10 A Not entirely. When I was asked to attend them</p> <p>11 I went there, but this was on a necessity basis, not</p> <p>12 regular basis.</p> <p>13 Q I assume after May of '95 when you were</p> <p>14 attending on an intermittent basis -- when you were</p> <p>15 attending on an intermittent basis these meetings, was</p> <p>16 the topic of discussion ever the shaver cleaning system</p> <p>17 patent applications?</p> <p>18 A No.</p> <p>19 Q After the monthly patent review meetings, was</p> <p>20 there ever any documents presented regarding the results</p> <p>21 of the meeting?</p> <p>22 A I don't know whether internally the patent</p> <p>23 department, but I'm sure there will be something, but it</p> <p>24 would have -- would not have been distributed to the</p>
<p>1 Q Why -- do you know why not?</p> <p>2 A I'm sure because as long as I was in charge</p> <p>3 there was not the issue to where one should withdraw</p> <p>4 patents in which country because it was apparently brand</p> <p>5 new then or not even filed in our countries. So on</p> <p>6 these meetings, normally these meetings only they deal</p> <p>7 with existing patents.</p> <p>8 Q So this monthly patent review meeting, the</p> <p>9 monthly patent review meetings, the discussion, the</p> <p>10 topic of discussion was a filed patent application?</p> <p>11 A Correct --</p> <p>12 Q So the -- How -- To your knowledge in general</p> <p>13 how soon after the patent application was filed would</p> <p>14 that patent application be discussed in a monthly</p> <p>15 meeting?</p> <p>16 A I haven't a clue. I haven't a clue. I'm sure</p> <p>17 there's not a certain timing set on it. Just comes up</p> <p>18 let's say the question we have to pay United States for</p> <p>19 a patent in two months, shall we pursue the patent</p> <p>20 rights here, should we let it fall down, that type of</p> <p>21 thing. Depending on the actual necessity.</p> <p>22 Q I understand. Did you -- You left the -- I</p> <p>23 forgot your title. Director of shaver research and</p> <p>24 development, is that what -- let me just look for it.</p>	<p>Page 162</p> <p>1 people attending the meeting.</p> <p>2 Q In addition to the provision of the patents,</p> <p>3 the front page of the patents with the figures that you</p> <p>4 discussed, were any other documents provided to you at</p> <p>5 these patent review meetings?</p> <p>6 A No.</p> <p>7 Q So it would have been just a copy of at least</p> <p>8 the front page of the patent application?</p> <p>9 A Right.</p> <p>10 Q If you could turn to B857, be the German or</p> <p>11 English. I suppose if we both look at the English,</p> <p>12 that's what I'll be working with. In the third</p> <p>13 paragraph, first sentence it states, the cleaning</p> <p>14 principle is based on the finding --</p> <p>15 MR. PATTON: If you turn the page. This is the</p> <p>16 German, this is the English.</p> <p>17 MR. SHIMOTA: Q It states that the cleaning</p> <p>18 principle is based on the finding that the shaving head</p> <p>19 on electric shaver cleans itself without disassembly, it</p> <p>20 is continuously immersed in an appropriate cleaning</p> <p>21 liquid.</p> <p>22 At the time you read this document, did you</p> <p>23 agree with Mr. Braun?</p> <p>24 A Yes.</p>

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<p>1 Q Why did the shaving head need to be continually 2 immersed in the appropriate cleaning liquid? 3 MR. PATTON: Object to the form of the question. 4 THE WITNESS: Let's put it the other way. If it is 5 in the air without liquid around you cannot clean. 6 MR. SHIMOTA: Q So you need a liquid in the cradle 7 in order to clean? 8 A That's it. 9 Q It also states there -- makes reference to an 10 appropriate cleaning liquid. Did you have an 11 understanding of what was an appropriate cleaning liquid 12 for the cleaning system? 13 A As I mentioned prior it has to be grease 14 dissolving, lowest possible viscosity and it would 15 smell. 16 Q Did you select a particular cleaning liquid? 17 A Alcohol. 18 Q You're talking about methyl alcohol, ethyl 19 alcohol? 20 A It is methyl alcohol. I'm not 100 percent 21 sure, but I think it's the primary thing. 22 Q Were there any additives? 23 A Little bit of grease, of oil to lubricate the 24 cutting elements, and a fragrance.</p>	<p>Page 165</p> <p>1 A No, that's okay. Like that. You see this is a 2 cross section through a bridge between two holes. This 3 is metal, in our case nickel. In this case cutter block 4 is oscillating underneath this. This is the skin side, 5 this is the internal side. And the normal grease of the 6 skin is being deposited in here, and it forms a type of 7 greasing so that -- which lubricates the part where 8 cutter blade touches the foil. 9 If, however, by using alcohol as cleaning fluid 10 as part of our cleaning method this grease will 11 disappear, natural grease from your skin. So -- you 12 would have what we call a dry friction. This would mean 13 that the foil would be -- cutter block would be worn too 14 fast. To overcome that you add a little bit of oil into 15 the alcoholic cleaning liquid. 16 Q Do you know how much oil you would add to 17 the -- 18 A No, I can't tell you. 19 Q Was the cleaning liquid produced at Braun 20 itself? 21 A At the beginning, yes, we did the mixer on our 22 own in Leon, then I took the cleaning liquid from that 23 spray thing we mentioned earlier, the cleaning set it 24 was called from here in Braun and later on we developed</p>
<p>1 Q Do you know what the fragrance was? 2 A No. 3 Q What did the fragrance smell like? Can you 4 describe that for me? 5 A It's difficult to describe. 6 Q For example, did it smell like mint? 7 A We actually tried with mint and all different 8 type of thing, and at the end of the day what you have 9 to do you have to do to run the test, smelling test and 10 they make dashes who likes it most at the end of the 11 day, you decide on the quantity of the majority. 12 Q Did there ever come a time where you determined 13 there was one particular fragrance that users liked the 14 most? 15 A Not as long as -- not during the time when I 16 was in charge of the thing. 17 Q You also mentioned you included a lubricant. 18 Why did you include a lubricant? 19 A As I mentioned to grease the cutting elements 20 because if you clean a shaver thoroughly with alcohol, 21 you also dissolve wanted grease. Wanted grease is 22 little bit complicated to explain, but if you make a 23 cross section -- 24 Q Want me to give you another piece of paper?</p>	<p>Page 166</p> <p>1 or start developing right cleaning liquid with an 2 external company who was specialized in the thing. 3 Q What was the name of that external company? 4 A I only know that it was -- it was situated in 5 Wolfratshausen south of Munich. 6 Q Was it Inchem, I-N-C-H-E-M? 7 A No, no, doesn't ring a bell. 8 Q Do you know when you would have been working 9 with the third party on the cleaning liquid? 10 A It was actually at the end of my being there 11 in -- with the development department, '95 somewhere, 12 early '95. 13 Q As between -- if I asked you this morning, I 14 apologize. Who provided the spray cans with the 15 cleaning fluid to Braun? 16 A I don't know either. 17 Q Do you know how I'd find out? 18 A Could have been the same company, but I'm not 19 sure. Forget about it. I'm not sure. 20 Q Do you know how I could find the answer to that 21 question? 22 A No chance. If Mr. Braun doesn't know -- 23 Q As between the cleaning liquid from Leon and 24 the cleaning liquid in the spray can, which did you</p>

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<p>1 prefer as the cleaning liquid?</p> <p>2 A I personally preferred the one from Braun</p> <p>3 simply because they had a constant parameters. If you</p> <p>4 mix the stuff on yourself you never know how many</p> <p>5 percentage oils in there and so on, so forth. So the</p> <p>6 one which was in the spray bottle from Braun had always</p> <p>7 the same mixture oil and alcohol.</p> <p>8 Q Did the spray can have any fragrance to it too</p> <p>9 in the mixture?</p> <p>10 A Oh, yes, little bit.</p> <p>11 Q Would you have started working with the spray</p> <p>12 can soon after you -- the Leon facility closed?</p> <p>13 A Yes.</p> <p>14 Q Turn to the next page of Mr. Braun's invention</p> <p>15 disclosure. Under point 3 it is stated in the last full</p> <p>16 paragraph, the development of a shaver special model</p> <p>17 that is to be cleaned exclusively automatically is also</p> <p>18 imaginable.</p> <p>19 At the time that Mr. Braun filed his invention</p> <p>20 application, wasn't it the intention that the device</p> <p>21 would work to clean a shaver exclusively automatically?</p> <p>22 A Sure it was.</p> <p>23 Q Do you know -- do you have --</p> <p>24 A Wait a minute. Just read the German. The</p>	<p>Page 169</p> <p>1 In the 1993 timeframe were you at a point yet</p> <p>2 where you were working solely on the cleaning system or</p> <p>3 were you working on the integration of the cleaning</p> <p>4 system with a shaver as well?</p> <p>5 A Well, we were working with the top line model</p> <p>6 shaver and designing for that particular type the</p> <p>7 cleaning device and there are two aspects which you have</p> <p>8 to take into consideration. Basically it's the form or</p> <p>9 the shape of the cradle and the length or the height of</p> <p>10 the shaver. So this you can do exchangeable. Let's say</p> <p>11 for shaver 1, you have narrow, for shaver 2, you have</p> <p>12 bigger one, wider one, and concerning the length where</p> <p>13 you have later on this press button, this thing, this</p> <p>14 you have to vary depending on the length of the shaver.</p> <p>15 That's it basically.</p> <p>16 So, of course, what you do, you choose the top</p> <p>17 model shaver and design the cradle and the length of the</p> <p>18 business for -- where you position the press button</p> <p>19 based on the dimensions of the top line shaver because</p> <p>20 with that top line shaver naturally it's easier to sell</p> <p>21 such a product, deluxe product.</p> <p>22 Q One thing -- do you recall or -- one thing that</p> <p>23 I don't see in this device or this invention application</p> <p>24 is any discussion of the removable cartridge which I</p>
<p>Page 170</p> <p>1 German version it says, it's also imaginable to develop</p> <p>2 a shaver special model which is designed exclusively for</p> <p>3 automatic cleaning. Apparently has some ideas that if</p> <p>4 the cleaning device doesn't suit the shaver then the</p> <p>5 shaver has to be adapted to the cleaning device. That's</p> <p>6 what he says here in his German version if I take that</p> <p>7 freely.</p> <p>8 Q So at the time --</p> <p>9 A It says here shaver special model, but special</p> <p>10 model is -- it's not quite what he meant with sonder</p> <p>11 model.</p> <p>12 DR. STUTIUS: That's literal translation. The</p> <p>13 special should be in front of the English.</p> <p>14 MR. SHIMOTA: Special shaver model.</p> <p>15 DR. STUTIUS: Yes, poor translation.</p> <p>16 MR. SHIMOTA: Q Were you aware of any work on the</p> <p>17 special shaver model at the time?</p> <p>18 A No, hasn't been done.</p> <p>19 Q So at the time had there been any work done --</p> <p>20 well, was the work that was being done solely on the</p> <p>21 cleaning system or was it working on the cleaning system</p> <p>22 integrated with a shaver?</p> <p>23 A I didn't get your question.</p> <p>24 Q Sure. Maybe it was not as clear.</p>	<p>Page 172</p> <p>1 think we discussed earlier. Is that consistent with</p> <p>2 your recollection of this document?</p> <p>3 A With what --</p> <p>4 Q With Mr. Braun's invention application.</p> <p>5 A I didn't get your question.</p> <p>6 Q Yeah. Is it your recollection -- is it your</p> <p>7 recollection that Mr. Braun described the removable</p> <p>8 cartridge in this invention application?</p> <p>9 A What means recollection?</p> <p>10 Sure.</p> <p>11 Q Can you point me to where he describes that?</p> <p>12 A Within the application? Within here?</p> <p>13 Q Uh-huh.</p> <p>14 A I have to look for it.</p> <p>15 It's not mentioned in here, but here's two</p> <p>16 patent applications, and possibly it's the second one</p> <p>17 then.</p> <p>18 Q Two invention disclosures?</p> <p>19 A Two inventions, yeah.</p> <p>20 Q Did he have any more than two?</p> <p>21 A I don't know.</p> <p>22 Q Do you have any recollection of reviewing more</p> <p>23 than two? Well, excuse me. One step at a second.</p> <p>24 Had you ever seen his supplemental invention</p>

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<p>1 application?</p> <p>2 A This one and the second one, United States</p> <p>3 second one, those are there.</p> <p>4 MR. PATTON: No.</p> <p>5 THE WITNESS: Maybe in my suitcase.</p> <p>6 MR. SHIMOTA: Q When you say United States second</p> <p>7 one, what do you mean?</p> <p>8 MR. PATTON: I think we're mixing up. Maybe it's</p> <p>9 some terminology. What you're looking at is the</p> <p>10 invention disclosure?</p> <p>11 MR. SHIMOTA: Yes.</p> <p>12 MR. PATTON: Just so everybody is clear on the</p> <p>13 record, are you saying there's a second invention</p> <p>14 disclosure?</p> <p>15 THE WITNESS: There should be one. As far as I know</p> <p>16 there was in the second one mentioning the cartridge</p> <p>17 business, cartridge design.</p> <p>18 MR. SHIMOTA: Q Do you recall ever having seen an</p> <p>19 invention disclosure which talked about --</p> <p>20 A No, I only know it from the patents.</p> <p>21 Q So from after having reviewed the U.S. patents,</p> <p>22 you're aware that there's discussion of cartridge?</p> <p>23 A Right.</p> <p>24 Q And so, to your recollection, you've never seen</p>	<p>Page 173</p> <p>1 A The figures I recognize.</p> <p>2 Q Can you see the removable clean fluid cartridge</p> <p>3 anywhere?</p> <p>4 A No. Not in the drawing and not in description.</p> <p>5 Q If we could turn back to -- marked as</p> <p>6 Exhibit 33.</p> <p>7 MR. PATTON: Which one?</p> <p>8 MR. SHIMOTA: Q Mr. Braun's first disclosure</p> <p>9 record. If you could turn to Braun 858 to point 4.</p> <p>10 Under the first point there's a reference by Mr. Braun</p> <p>11 to a shaken beaker for shaping heads.</p> <p>12 A Yes.</p> <p>13 Q Did you know -- pardon me -- what was the</p> <p>14 shaking beaker for shaving heads?</p> <p>15 A I don't know whether this has ever been</p> <p>16 marketed. I'm not aware of it, looks like a cartridge</p> <p>17 for film, like film, and there was some liquid in, don't</p> <p>18 ask me which one people should put in the cutter block,</p> <p>19 and liquid -- close the cover and shake it. That was</p> <p>20 it.</p> <p>21 Q How did you know about that device?</p> <p>22 A That was zooming around or flying around there</p> <p>23 I've seen here. It was a gimmick.</p> <p>24 Q Do you know what timeframe this was being</p>
<p>Page 174</p> <p>1 another Braun -- another Gebhard Braun disclosure record</p> <p>2 pertaining to shaver cleaning system. I'm not talking</p> <p>3 about the U.S. patent application.</p> <p>4 A I can't tell you 100 percent I can tell you to</p> <p>5 be honest.</p> <p>6 Q I'll just mark it, ask if you've seen it.</p> <p>7 Let's mark as defendant's Exhibit No. 34</p> <p>8 document bearing the Bates number Braun 1074 to 1075.</p> <p>9 Actually it's to 1076.</p> <p>10 (Exhibit 34 marked as requested)</p> <p>11 Q I'd just like to ask you if you've ever seen</p> <p>12 this document before.</p> <p>13 DR. STUTIUS: Where's the German version?</p> <p>14 MR. PATTON: This is English translation.</p> <p>15 MR. SHIMOTA: Q The German is there too, isn't it?</p> <p>16 A The only thing I know are the drawings here,</p> <p>17 but the rest of the docket --</p> <p>18 DR. STUTIUS: There is a German version, I believe.</p> <p>19 We don't have it.</p> <p>20 THE WITNESS: Only describes the back and forth of</p> <p>21 clock, anticlockwise clutch you can say for driving the</p> <p>22 fan wheel and the pump.</p> <p>23 MR. SHIMOTA: Q You do recognize the figures I</p> <p>24 assume?</p>	<p>Page 176</p> <p>1 worked upon?</p> <p>2 A No, must be old age and -- hard to sell I would</p> <p>3 say.</p> <p>4 Q Sure. The next reference there is to a patent.</p> <p>5 Says the previous state of the art is shown in U.S.</p> <p>6 Patent No. 3,721,416. Do you see that?</p> <p>7 A No, I don't know that patent.</p> <p>8 Q Did you give that patent to Mr. Braun?</p> <p>9 A No. I don't know it.</p> <p>10 Q I take it you never -- never reviewed it?</p> <p>11 A Never saw it, no.</p> <p>12 Q So did you -- he discusses the state of the art</p> <p>13 and his discussion of the -- and the drawbacks of the</p> <p>14 state of the art. Did you understand his --</p> <p>15 A By reading through it, yeah, but I never saw</p> <p>16 pictures or the figures.</p> <p>17 Q I assume because you've never seen this patent</p> <p>18 before that was not the enclosures as included -- one of</p> <p>19 the enclosures included with this that you've provided</p> <p>20 to the Patent Office, correct?</p> <p>21 A It was nothing included in that thing here so I</p> <p>22 would have been very conscious. I would have gone down</p> <p>23 to the patent department, ask the guys, please, show me</p> <p>24 that patent, but with the description I could see state</p>

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<p style="text-align: right;">Page 177</p> <p>1 of the art, that's it. And I had not too much time at 2 the time to fill out every bits and pieces here. 3 Q I mean my question is slightly different. We 4 discussed earlier that there were enclosures included 5 with this, and because you have no familiarity with this 6 listed patent I assume then that it would not have been 7 one of the enclosures which you provided to the patent 8 department, correct? 9 A That's correct. 10 Q Put this aside. I'm going to show you what's 11 been previously marked as Rayovac -- defendant's 12 deposition Exhibit Nos. 9 and 10. It's actually two 13 memos attached there. I'd ask if you could look at both 14 and ask if you recognize the German originals. 15 A To be honest I don't recognize, but since my 16 name is on it we have read it. I do not remember the -- 17 Q Sure -- we'll start with the first one. You 18 see at the top of this memo there's listed meeting 19 notes. 20 A Yes. 21 Q Was it the regular practice of engineers to 22 take meeting notes? 23 A If they felt it was of high importance, 24 apparently they did. And I assume this has one has been</p>	<p style="text-align: right;">Page 179</p> <p>1 Q Did you ever communicate with him? 2 A No. 3 Q Aside -- I assume you were at this meeting? 4 A No, I wasn't. 5 Q This memo does not -- it states participants, 6 correct? 7 A Yes. Participants were Mr. Braun and 8 Mr. Smetana, and as usual it says give copy to Mr. Braun 9 and Mr. Smetana and also to Dr. Pahl and Dr. Jung. 10 Q Can you look -- is this a mistranslation? 11 DR. STUTIUS: That's a comma after participants in 12 English, I believe. 13 THE WITNESS: First participants, second Pahl and 14 then Jung. 15 MR. SHIMOTA: Q Do you believe he you would have 16 reviewed this memo? 17 A He wanted to make public relation for himself 18 that he did something. That's the simple reason why 19 they write a memo. 20 Q So -- 21 THE INTERPRETER: A reason for existing. 22 MR. SHIMOTA: Q I take it then that you weren't -- 23 A Because Dr. Jung was his boss at the time. 24 Q Were there any problems with the drying device</p>
<p style="text-align: right;">Page 178</p> <p>1 done by Mr. Smetana who signed this thing. Smetana was 2 lucky man working in research and in research you have 3 time to write loads of memos, not in the drawing 4 department or developing department. So it was not in 5 my department not usual to write memos. In my 6 department didn't have time to write memos. 7 Q Did you ask Mr. Smetana to do anything with 8 respect to -- 9 A No. 10 Q How -- You understand from this memo 11 Mr. Smetana was working on dryer for the shaver cleaning 12 system? 13 A Mr. Smetana it was specialist in designing fan 14 wheels and did a good job on designing them for hair 15 dryers to make them more efficient with higher 16 efficiency you could reduce the speed and with reducing 17 speed you could reduce the noise. I think he was one of 18 the fathers of silent hair dryers which we had at the 19 time, and possibly Mr. Braun asked him to design a fan 20 wheel that's little appliance that's called shaver 21 cleaner. 22 Q Did you ever monitor any of the work done by 23 Mr. Smetana? 24 A No, nothing.</p>	<p style="text-align: right;">Page 180</p> <p>1 in approximately August of '93? 2 A No. With the drying device? 3 Q In shaver cleaning system there's heater and a 4 blower, correct? 5 A Yes. 6 Q Was it your belief in approximately August of 7 '93 that the drying device was working perfectly? 8 A Only thing I can speculate on that is to reduce 9 the size of the it whole cleaning center. Braun had to 10 reduce the size of the diameter of the fan wheel. To 11 find a guy who could help him he went to Smetana who is 12 specialist and ask him can you please design a fan wheel 13 which is smaller than the one he had developed in the 14 type hair dryer, and that's what then came up. 15 Q So you think Mr. Braun asked Mr. Smetana for 16 help? 17 A Yes, only explanation I can have on that. 18 Q Can you think of any reason why Mr. Braun would 19 have told me yesterday that you asked Mr. Smetana for 20 help? 21 MR. PATTON: Object to the form of the question. 22 THE WITNESS: Then he has a better memory. 23 MR. SHIMOTA: Q Is there anyone else aside from 24 yourself and Mr. Braun who could have asked Mr. Smetana</p>

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<p style="text-align: right;">Page 181</p> <p>1 to perform work on the dryer for the shaver cleaning 2 system?</p> <p>3 A No. But I'm definitely not aware that I asked 4 him.</p> <p>5 Q You're definitely not aware or you definitely 6 did not ask him?</p> <p>7 A I'm not aware.</p> <p>8 Q Well, do you have any reason to disagree with 9 the second sentence which states, the drying times are, 10 however, still too long according to Mr. Braun or the 11 drying result is not satisfactory, and that was the case 12 in August of '93?</p> <p>13 MR. PATTON: Well, I object to the form of the 14 question.</p> <p>15 THE WITNESS: Can you please repeat it? I don't 16 know what I should answer on that.</p> <p>17 MR. SHIMOTA: Q Let me reask it. I think you told 18 me earlier when you provided the -- head of Braun his 19 wife told him that the -- too noisy.</p> <p>20 A Right.</p> <p>21 Q Was that as a result of the fan noise?</p> <p>22 A No, it was more than. As I mentioned to you 23 already the rattling of the shaver causing vibration in 24 the hold box and you then see the design here it's built</p>	<p style="text-align: right;">Page 183</p> <p>1 recognize that document.</p> <p>2 A Okay.</p> <p>3 Q The question is, do you recognize the document?</p> <p>4 A Well, I know that I asked for this type of 5 meeting, and I'm sure I've read it, but not fresh in my 6 memory.</p> <p>7 Q You said you knew you had asked for this type 8 of meeting?</p> <p>9 A Especially for case of the approval from the 10 point of view of safetiness. I know that we had 11 explosive stuff in this thing and electricity and motors 12 which create brush fire, and if you put one to one 13 together it might explode.</p> <p>14 Q Who is VDE?</p> <p>15 A This is the German Electrical Association and 16 -- sorry. It's even more. It's what in America is UL. 17 United --</p> <p>18 Q Underwriters Laboratory?</p> <p>19 A Underwriters Laboratory, that's VDE in Germany.</p> <p>20 Q And I take it that you -- well, let me ask. 21 Did you request that one of your prototypes be tested by 22 VDE?</p> <p>23 A No, I did not request, but I did request that 24 the experts from VDE or whoever could ask them what do</p>
<p style="text-align: right;">Page 182</p> <p>1 like a loud speaker. So if you have an element here, an 2 electric shaver which oscillates and gives vibration 3 onto the housing and you have the noise. Ventilator 4 doesn't create much noise.</p> <p>5 Q Do you have any recollection of what actual 6 blower was used in the shaver cleaning system around 7 1993?</p> <p>8 A I can't tell you anymore.</p> <p>9 Q If you needed to find out the answer to that 10 question, who would you ask?</p> <p>11 A The only thing I could do and try to find the 12 old models and see what was in there.</p> <p>13 Q Do you know whether Mr. Smetana would know the 14 answer to that question?</p> <p>15 A I cannot speculate what he knows, but you can 16 try.</p> <p>17 Q Have you ever met Mr. Smetana?</p> <p>18 A Sure, I know him.</p> <p>19 Q And did you ever speak with him about the 20 shaver cleaning system?</p> <p>21 A Not about the shaver cleaning system as far as 22 I recall. To say hello, good morning and so because he 23 was not in research guy for dry shavers as such.</p> <p>24 Q Let's turn to the next memo, see if you</p>	<p style="text-align: right;">Page 184</p> <p>1 we have to observe when we design a machine like that, 2 with alcohol and sparking in it and to be on the safe 3 side because doesn't mean anything if you design a 4 machine, have expensive prototypes being made and later 5 on the UL or the VDE people come along can scrap it. So 6 that's what we mean by first stages of the project, 7 rather first stages test to be cleared, what can happen 8 from the point of view of approval authorities.</p> <p>9 Q Do you see the name Mr. Krauss/VDE?</p> <p>10 A Yes. He's the guy responsible for that thing 11 at VDE, I don't know him.</p> <p>12 Q Do you know -- let me ask this question. I'm 13 sorry. Were you finished?</p> <p>14 A No, go ahead.</p> <p>15 Q Do you know if anyone from VDE came to Braun 16 and inspected any of the prototypes?</p> <p>17 A I don't know, but from what I see he was there. 18 He was -- appliance has been presented to him and he 19 gave his recommendation on it.</p> <p>20 Q If you look down to what was the fourth 21 paragraph, second sentence, it states a mechanical lock 22 is necessary so that the shaver can only be used when 23 dry.</p> <p>24 A Yes.</p>

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<p>1 Q Was a mechanical lock ever included in the 2 shaver cleaning system?</p> <p>3 A Not in this one you're not, but it was always 4 be on the target list that has to be done -- has to have 5 any lock. You see the early days we had to tie off 6 electrical lock already in, but it was an objective to 7 design an interlock, and so far that's a wet shaver.</p> <p>8 The shaver with a wet head could not be taken out of the 9 appliance because of the fact that if you turn the 10 shaver around with the head upwards, the liquid can go 11 into the body of the shaver and cause there problems 12 from corrosion up to explosion.</p> <p>13 Q In development upon your original prototype was 14 there a mechanical interlock ever included?</p> <p>15 A In the development of the original prototype, 16 this one here?</p> <p>17 Q No. Look at the figures. I think we have it 18 in another marked document. I think it was this 19 document here.</p> <p>20 A Yes.</p> <p>21 Q If you look at the figures. Could you point me 22 to where, if anywhere, there's the mechanical interlock?</p> <p>23 A In the area 3.</p> <p>24 Q Is it the cap on top or --</p>	<p>Page 185</p> <p>1 done, but --</p> <p>2 Q You're saying you're sure --</p> <p>3 A I did. I'm not aware. I cannot prove that 4 thing.</p> <p>5 Q But --</p> <p>6 A Normally, of course, you say look, Mr. Braun, 7 that's so and so, but I'm -- I don't recall a detailed 8 meeting of it at the point in time when I discussed the 9 thing.</p> <p>10 Q Do you know -- do you believe it's likely that 11 you would have provided this memorandum to Mr. Braun?</p> <p>12 A Definitely, yes.</p> <p>13 Q Did you say definitely?</p> <p>14 A It's my normal job to do. Did Mr. Braun say no 15 of this thing?</p> <p>16 Q I don't know his testimony exactly so I don't 17 want to misrepresent it.</p> <p>18 A Okay.</p> <p>19 Q Do you recall -- also looking back at this memo 20 there's a statement that the device is top heavy.</p> <p>21 A Yes.</p> <p>22 Q Do you recall the shaver cleaning device having 23 the problem of being top heavy in approximately June of 24 '93?</p>
<p>Page 186</p> <p>1 A The push button there was some spring-loaded 2 device in the thing as far as I recall.</p> <p>3 Q So is it the -- this L-shaped area at the top?</p> <p>4 A No, within that thing here. This portion.</p> <p>5 Q Okay. Prior to June of '93 was that spring 6 portion not included?</p> <p>7 A Sorry. I can't tell you.</p> <p>8 Q You don't know?</p> <p>9 A No, I don't know.</p> <p>10 Q Did you convey -- did you ever convey the 11 recommendations of VDE to anyone?</p> <p>12 A What means convey?</p> <p>13 THE INTERPRETER: Pass on.</p> <p>14 MR. SHIMOTA: Q Did you tell anyone about the 15 recommendations of VDE?</p> <p>16 A It was not necessary because the guy who are 17 involved in the thing are on the distribution list. I'm 18 sure I think the things with Mr. Cimbal, I direct 19 report -- reported directly to me, and based on that 20 redesign or its modification of the design has to be 21 redone.</p> <p>22 Q Did you discuss the recommendations of VDE with 23 Mr. Braun?</p> <p>24 A I'm not aware of that, but I'm sure should have</p>	<p>Page 188</p> <p>1 A No, I don't recall that.</p> <p>2 Q And the next statement or the next paragraph it 3 states before the beginning of the test the medium 4 cleaning fluid must be tested for absolute safety with 5 respect to health inflammability and danger of exploding 6 or documentary evidence should be forthcoming.</p> <p>7 Do you know whether the cleaning fluid was ever 8 tested?</p> <p>9 A No, I'm not aware of that.</p> <p>10 Q Would you have been in charge of testing the 11 cleaning fluid?</p> <p>12 A No. This is actually due to our quality 13 department which has been represented by Mr. Stigler who 14 wrote that memo.</p> <p>15 Q So Mr. Stigler would have been in charge of 16 testing the cleaning fluid?</p> <p>17 A Yes.</p> <p>18 Q Do you know whether Mr. Stigler actually did 19 test the cleaning fluid?</p> <p>20 A I don't know.</p> <p>21 Q This memo is to a Mr. Schaeffer.</p> <p>22 A Yes.</p> <p>23 Q Do you know why this memo would have been sent 24 to Mr. Schaeffer?</p>

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<p style="text-align: right;">Page 189</p> <p>1 A No, I cannot -- I don't know why it went to him    2 because as far as I know at this time Mr. Braun did not    3 report to Mr. Schaeffer. I don't know why Stigler wrote    4 that one to Schaeffer. I can't tell you. Sorry.    5 Q I think we talked about the name Cimbal,    6 Faulstich, got -- Mr. Gebert?    7 A Gebert is quality probation department,    8 approval department within the quality organization    9 because Braun is boss of Stigler has to be informed by    10 nature. I have to be informed because I'm the boss of    11 Schaeffer.    12 Q You were the boss of Schaeffer. Was Mr. Braun    13 underneath Schaeffer?    14 A I'm not sure. At this time I'm not -- I don't    15 believe that Braun reported to Schaeffer because Braun    16 reported to me. I had three guys reporting to me. One    17 was Schaeffer, one was Cimbal and another one then Braun    18 who was on special assignment reporting to me.    19 Q Braun, what was his special assignment?    20 A That he reported directly to me, not through    21 Mr. Schaeffer, for instance.    22 Q If you look at the second send sentence of this    23 memo, it states the device was attested according to VDE    24 0700 part 1 in conformity with other norms, e.g. for</p>	<p style="text-align: right;">Page 191</p> <p>1 Q Would you, in fact, warn them about the risk    2 of --    3 A I did. I asked to have -- I don't know whom I    4 asked, but I wanted to have that meeting because it was    5 quite a totally new field for Braun, and I was afraid    6 that something happens. And nothing is worse than    7 recall of a product from the market.    8 Q Would you have expected your engineers wouldn't    9 have known all these risks?    10 A Sure.    11 Q What precautions did you tell your engineers to    12 take?    13 A While developing or while fooling around with    14 prototypes or what?    15 Q Both.    16 A First of all, they are very --    17 THE INTERPRETER: Cautious.    18 THE WITNESS: Cautious. They knew about problems,    19 and when they have lab work there's always a risk. As    20 long as people are aware that there's risk they can    21 react or can at least handle the problem, but they knew    22 once we bring the thing to marketplace it had to be    23 absolutely safe.    24 MR. SHIMOTA: Q Let me make sure I understand. Did</p>
<p style="text-align: right;">Page 190</p> <p>1 dishwashers or medical apparatus. Do you know why the    2 device was tested in accordance with --    3 A Doesn't mean anything to me.    4 Q To your recollection was Mr. Stigler the    5 liaison with the VDE contact regarding this device?    6 A Yes. He was -- yes, in former times dealing    7 with VDE, especially when Braun still had the hi fi    8 department. He was -- he would be the hi fi appliances    9 and be --    10 Q You mean stereo equipment?    11 A Hi fi.    12 Q That's okay. In the last sentence it notes    13 that absolute safety with respect to -- well, it --    14 there's a recommendation that there be testing at the    15 PTB in Braunschweig. Do you know whether that testing    16 ever took place?    17 A No, I don't know, but without them you should    18 never get approval from it. So I assume it has taken    19 place, but I'm not present when it did.    20 Q If someone were going to -- if you tasked your    21 engineers with building this device, do you think it    22 would be important to warn them about the risk of    23 explosion, et cetera, associated with this device?    24 A Yes, sure.</p>	<p style="text-align: right;">Page 192</p> <p>1 you tell your engineers to take precautions?    2 A Yes.    3 Q Did you tell them any specific precautions to    4 take?    5 A No. Simply to watch out the thing doesn't    6 explode. Put their nose on the fact that there's    7 alcohol on the business and there's sparking in the    8 business.    9 Q But you did feel it was necessary to tell them    10 that?    11 A It's my job as a boss.    12 Q I understand. I'm going to show you first what    13 has previously been marked as defendant's deposition    14 Exhibit No. 4 which is 5,711,328.    15 I'm going to mark this now as defendant's    16 deposition Exhibit No. 35, U.S. Patent No. 5,649,556.    17 (Exhibit 35 marked as requested)    18 Q These are the patents that you reviewed in    19 connection with signing your declaration, correct?    20 A Yes.    21 Q I think you said that you brought these patents    22 with you today as well, correct?    23 A Yes.    24 Q Did you review them again prior to your</p>

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1 deposition? 2 A Yes. 3 Q Why did you review them prior to your 4 deposition? 5 A You see, always good to fresh your memory up. 6 Q Did you take any notes on the patents? 7 A No. Apart from putting heading what the 8 content is to differentiate between the two. 9 Q How did you differentiate between the two? 10 A If you let me to my suitcase, I can tell you. 11 Because they look all similar. The figures are similar 12 in terms of -- I have to read the claims then. 13 Q It's at the very end. 14 A Always mixing up the figures. This one I think 15 is -- it start with the cartridge business here. 16 Q Which patent are you referring to? 17 A Just looking -- this was the basic patent, 18 wasn't it? Because my problem I cannot keep the figures 19 in my head. Normally do you it by looking at the 20 figures. They are more or less the same in both of 21 them, you know. To differentiate between them both I 22 have to read the claims through. 23 Q Sure. If it will help you, if you want to take 24 a look, take a look at them.	Page 193 1 being configured as a filter. I think this doesn't 2 exist in the '328. 3 Q With respect to your reference there, what is 4 your understanding of a chamber? 5 A Of the chamber? 6 Q What is your understanding of chambers? 7 A There are two parts. 8 Q Parts of what? 9 A If you see -- there's a picture here. This one 10 chamber which holds liquid and one chamber who holds the 11 filter. 12 Q I see. So those -- so the reservoir underneath 13 the cradle, that's your understanding of the chamber? 14 A Yes. 15 Q One of the chambers? 16 A How I understand it. 17 Q Then there's another chamber there? 18 A Another chamber here, which I personally would 19 call cartridge, but the patent guy didn't always mention 20 it. 21 Q Why would you personally call it a cartridge? 22 A Because it should have been a changeable piece, 23 a throw away one. 24 Q That was the -- that was one of Mr. Braun's
Page 194 1 A Okay, I'm somewhat online. 2 Q I guess I'll ask this question. How do you 3 personally differentiate between the two patents? 4 A This being the basic patent, the basic patent 5 here, in other words, explains the function of the 6 cleaning center. 7 This, as far as I can see, similar wording 8 there but has additional claims in it as compared to the 9 cartridge thing, for instance. 10 Q Which do you refer to as the basic patent? 11 A '328. 12 Q '328 is the basic patent? 13 A That's how I feel. 14 Q The '556, how would you characterize that? 15 A As an additive, in addition. 16 Q Additive in what way? 17 A Well, the improvement of the '328. 18 Q What is -- 19 A Extension of the '328. 20 Q What is the improvement? 21 A I'll go through the claims. Okay. For 22 instance, claim 1A there's -- wherein the cleaning fluid 23 container is comprised of two chambers, one chamber 24 serving to hold the cleaning fluid, the other chamber	Page 196 1 improvements was coming up with a replaceable cartridge, 2 correct? 3 A Yes. That would represent this picture here. 4 Q I forgot -- when you talked with -- I'm sorry. 5 I forgot his name, the head of Braun, what was -- 6 A Mr. LaGarde. 7 Q Mr. LaGarde, You expressed to him the 8 importance of an aftermarket for the cleaning fluid? 9 A Yes, it was Gilbert Greaves. 10 Q That was Gilbert Greaves? 11 A You could make money with. 12 Q Wasn't also the idea of a replaceable cartridge 13 something -- an extension of that idea, something you 14 could make money with? 15 A At this point it was not the cartridge, but it 16 was the refill of the liquid which you can sell in 17 bottle and pour it in. Later on the idea of throw away 18 cartridge came up. 19 Q That was one of the ideas of Mr. Braun, 20 correct? 21 A Right. 22 Q Did you ever tell the business people of the 23 idea of the throw away cartridge? 24 A No, no. For them the project was dead and they

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<p>1 didn't like to touch the issue anymore.</p> <p>2 Q Was that the case until you left your position</p> <p>3 in '95?</p> <p>4 A Yes.</p> <p>5 Q Was Mr. Greaves still in his position until</p> <p>6 1995 when you left?</p> <p>7 A I assume -- not 100 percent sure, but in the</p> <p>8 time I left -- I think I went first and then he got</p> <p>9 another assignment.</p> <p>10 Q I understand. If you could look at the '328</p> <p>11 patent, claim 11.</p> <p>12 A Yes, sir.</p> <p>13 Q If you look at the last element, a drying</p> <p>14 device. Would you tell me the universe of drying</p> <p>15 devices?</p> <p>16 A The universe?</p> <p>17 Q Well, can you tell me the -- types of drying</p> <p>18 devices that you considered for use in your shaver</p> <p>19 cleaning system in the early '90s?</p> <p>20 A A motor with a fan wheel, and, if necessary,</p> <p>21 heating element on top.</p> <p>22 Q Why do you say if necessary a heating element</p> <p>23 on top?</p> <p>24 A If the only was a fan wheel with normal air,</p>	<p>Page 197</p> <p>1 question.</p> <p>2 MR. SHIMOTA: Q Did you consider -- Let me ask you</p> <p>3 this. The outlet port assisted -- the outlet port's</p> <p>4 function was to -- ultimately was to drain cleaning</p> <p>5 fluid from the trough, is that correct?</p> <p>6 A From the cradle, yes.</p> <p>7 Q From the cradle. And did the outlet port</p> <p>8 assist then in drying the cradle -- drying the shaver</p> <p>9 head?</p> <p>10 A No.</p> <p>11 Q Why not?</p> <p>12 A Well, the function of the outlet port, the</p> <p>13 little hole there, what you call outlet port in the</p> <p>14 cradle is simply to drain or empty the cradle. Once</p> <p>15 this thing is empty then starts drying operation by</p> <p>16 switching on a fan wheel motor. So that outlet port</p> <p>17 helps only so far that it drains the liquid into the</p> <p>18 liquid tank, but it has nothing to do with drying</p> <p>19 itself.</p> <p>20 Q I see. So am I correct in assuming you don't</p> <p>21 think a drain is a drying device?</p> <p>22 MR. PATTON: I object to the form of the question.</p> <p>23 THE WITNESS: I don't understand the question.</p> <p>24 MR. SHIMOTA: Q Do you know what a drain is?</p>
<p>Page 198</p> <p>1 room temperature, cleaning would have taken too long</p> <p>2 time. What you do to speed it up you take heat, you</p> <p>3 need a heater. If I'm not --</p> <p>4 THE INTERPRETER: If I'm not wrong?</p> <p>5 THE WITNESS: If I do remember there was heating</p> <p>6 element in that thing here, I'm not 100 percent sure.</p> <p>7 But at least I brought some heating elements to Leon.</p> <p>8 MR. SHIMOTA: Q Did you ever consider simply using</p> <p>9 a heating element as the drying device?</p> <p>10 A Only heating element?</p> <p>11 Q I'm sorry. Let me rephrase.</p> <p>12 A No, no.</p> <p>13 Q Let me reask. Did you ever consider and reject</p> <p>14 that idea or you just never considered it?</p> <p>15 A I don't know exactly, but for me the efficiency</p> <p>16 of simply heating or creating heat is not as efficient</p> <p>17 as blowing if you want to evaporate a thing.</p> <p>18 Q Did you consider the outlet port as being part</p> <p>19 of the drying device?</p> <p>20 A Of the drawing device?</p> <p>21 Q Yes, the --</p> <p>22 A The drawing -- air circulating device.</p> <p>23 THE INTERPRETER: Drying device.</p> <p>24 MR. PATTON: Wait. I don't understand that</p>	<p>Page 200</p> <p>1 A What's a drainer?</p> <p>2 Q I see. In a sink there's something at the</p> <p>3 bottom which water goes in and drained down into, a</p> <p>4 drain that flows down into?</p> <p>5 THE INTERPRETER: Is drain.</p> <p>6 THE WITNESS: A drain. I don't understand what</p> <p>7 drainer. Again your question, please?</p> <p>8 MR. SHIMOTA: Q Am I correct in assuming you don't</p> <p>9 consider a drain a drying device?</p> <p>10 MR. PATTON: I object to the form of the question.</p> <p>11 If you're asking Dr. Pahl to interpret a term in the</p> <p>12 patent, then I object on the ground you're asking him</p> <p>13 for a legal conclusion.</p> <p>14 MR. SHIMOTA: Q You state in your declaration that</p> <p>15 you read and understood the patent claims, correct?</p> <p>16 A That I --</p> <p>17 Q That you read and understood the patent claims,</p> <p>18 correct?</p> <p>19 A Yes.</p> <p>20 Q So I guess I'll just ask you then, what is your</p> <p>21 understanding of the term a drying device?</p> <p>22 A Drying device is, as I mentioned to you, a</p> <p>23 motor, fan wheel, heating element and the appropriate</p> <p>24 channels to conduct the air stream into the cradle.</p>

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<p>1 Q What are the appropriate channels?</p> <p>2 A Holes or whatever it is. If we have a</p> <p>3 technical drawing of the existing one I can show you.</p> <p>4 You need a guidance for the air stream relative to the</p> <p>5 head of the shaver. So if, let's say, for instance, you</p> <p>6 blow from the sides, your drying time will be</p> <p>7 indefinite. But if you blow from that direction then</p> <p>8 you can dry a shaver much faster and to get the air</p> <p>9 wherever the fan wheel is in this direction, therefore,</p> <p>10 you need guidance of the air stream. That's what I</p> <p>11 meant. It's also a part of the drying device.</p> <p>12 Q Did you say holes or what did you say?</p> <p>13 A The holes -- wait a minute. Somebody had to</p> <p>14 suck the air. Normally you have holes in the -- maybe</p> <p>15 not any drawings there I can explain to you easier.</p> <p>16 Q Can you show me in the figures where the holes</p> <p>17 would be that you're talking about?</p> <p>18 A In that figure, this is the hole for the fan</p> <p>19 wheel.</p> <p>20 Q Which figure?</p> <p>21 A Where? That's where the air is being sucked</p> <p>22 from the bathroom into the machine if you want.</p> <p>23 Q Gotcha. So that's at the lower left-hand</p> <p>24 corner --</p>	<p>Page 201</p> <p>1 A Yes. For instance somebody make apparently</p> <p>2 clearer, make here hole for sucking into air, but this</p> <p>3 is handmade. I don't know whether it's part of the</p> <p>4 patent.</p> <p>5 You see that embodiment here should have a</p> <p>6 bird's-eye view to show the guidance of the air stream.</p> <p>7 This lammelt here guide the air down here, but on top</p> <p>8 they have a different function. It means once the pump</p> <p>9 is on this one is running anticlockwise from the point</p> <p>10 of view of transporting the air. It's basically</p> <p>11 sucking. It means these little lamellens will close so</p> <p>12 that's by means of running ventilator in wrong</p> <p>13 direction. No liquid is being evaporated -- absorbed by</p> <p>14 means of air stream. That's why it's closed here. It's</p> <p>15 also type of guidance of air, in this case blocking.</p> <p>16 Q Can you tell that -- all of that from this</p> <p>17 drawing?</p> <p>18 A Yes.</p> <p>19 Q You said you'd need a bird's-eye view to see</p> <p>20 the direction of the air?</p> <p>21 A Yes.</p> <p>22 Q What would a bird's-eye view show you?</p> <p>23 A It would show possibly -- I don't know what the</p> <p>24 detail background of that drawing is, but from some side</p>
<p>1 A Lower left-hand corner.</p> <p>2 Q -- of the schematic?</p> <p>3 A Looks like -- like a seat with two rings. This</p> <p>4 one here.</p> <p>5 Q I see. How does that show -- how would that</p> <p>6 guide the direction of the air?</p> <p>7 A This doesn't guide. This is the hole. You're</p> <p>8 asking me holes. You need a hole to get the air into</p> <p>9 the machine and -- into the machinery, into the what is</p> <p>10 it called -- cleaning device. Now having got the holes</p> <p>11 where can I show you guidance -- you have to then guide</p> <p>12 the air -- it's not in here. Somewhere to the fan</p> <p>13 wheel, different drawing of course. Must be hole, like</p> <p>14 a turbine. You need -- how can I tell you?</p> <p>15 Air channels to -- there's a turbine zoom</p> <p>16 around somehow in open room. You would never, ever have</p> <p>17 an air stream. So we have to send some guides for the</p> <p>18 air so that the fan wheel can take and pick up the air</p> <p>19 then press then through another hole which you'll see</p> <p>20 here into the cradle chamber, into the head and then out</p> <p>21 again.</p> <p>22 Q I see. Can you look at Figure 12 in the</p> <p>23 patent? Can you see any description of that we've been</p> <p>24 discussing in this figure?</p>	<p>Page 202</p> <p>1 the air that's the input hole -- input hole that's</p> <p>2 called that way that this ring around the fan wheel like</p> <p>3 a normal turbine -- I can make my sketches. This is the</p> <p>4 turbine which rotates. What you need is something where</p> <p>5 the air is being sucked onto is being compressed because</p> <p>6 it's going smaller and smaller and then you have the</p> <p>7 outlet. Here it's very narrow gap. That's what I call</p> <p>8 guidance of the airstream. The overall is aerodynamics.</p> <p>9 Q Was that designed in that way or -- was this</p> <p>10 particular design important to the operation of the</p> <p>11 shaver cleaning system?</p> <p>12 MR. PATTON: I object to the form of the question.</p> <p>13 THE WITNESS: I first don't know whether it has been</p> <p>14 designed way. Secondly, can tell you if you build or</p> <p>15 design a proper turbine, which is common state of art,</p> <p>16 you get good efficiency. If you don't know you get</p> <p>17 lousy efficiency which means the drying time is too</p> <p>18 long.</p> <p>19 MR. SHIMOTA: Q When you say trying time is too</p> <p>20 long, what would be too long?</p> <p>21 A Let's put it that way. Too long is for my</p> <p>22 opinion something about 20 minutes, half an hour because</p> <p>23 during the drying time the shaver is interlocked into</p> <p>24 the appliance. If somebody forgot to cut his mustache</p>

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<p>1 or something like, he has to wait there until the bloody 2 thing stops working to get, and then he'd have problem 3 and Braun would have problem because it drag on too 4 long.</p> <p>5 MR. PATTON: Can we take a brief break and can I 6 have any estimate of how much longer?</p> <p>7 MR. SHIMOTA: Hour, to hour and a half.</p> <p>8 THE VIDEOGRAPHER: We are going off the video record 9 of tape number 3 at 4:29 p.m.</p> <p>10 (Off the record)</p> <p>11 THE VIDEOGRAPHER: We're going back on the video 12 record at 4:42 p.m. Here continues tape 3.</p> <p>13 MR. SHIMOTA: Q If you could direct your attention 14 again to the '328 patent. I direct your attention to 15 more specifically claim 18. Last element states a 16 bracket for insertion of the shaving apparatus therein. 17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q What is your understanding of a bracket for 20 insertion of a shaving apparatus therein?</p> <p>21 A Well, I think that this -- the guidance here 22 and cradle, combination of it, if I refer to that 23 particular drawing here. I developed it -- see it 24 better, refer to drawings within the patent.</p>	<p>Page 205</p> <p>1 system which locks the shaver in for the time that it's 2 being cleaned and dried.</p> <p>3 Q Was that the interlock that was recommended by 4 VDE, gentleman from VDE?</p> <p>5 A Yes, in principal, yes.</p> <p>6 Q That you saw in the June of '93 memo?</p> <p>7 A What I read -- '93 memo, yes. No. Wrong one 8 here. Yes, it is here. August of '93 memo. No. 9 Sorry. I'm on the wrong list. You supplied me with too 10 much paper. The one that has been from Mr. Stigler. 11 Yes. June of '93.</p> <p>12 Q Could you turn to claim 19 of the '328 patent, 13 please? You see there it says device as claimed in 14 claim 18 further comprising a switch for interlocking 15 the shaving apparatus to the bracket. Can you provide 16 me with your understanding of the switch for 17 interlocking?</p> <p>18 A Well, this can be mechanical or 19 electromechanical switch which is not shown in any of 20 these figures here in my opinion.</p> <p>21 Q The switch for interlocking is not shown --</p> <p>22 A It's somewhere in the number 9, but it's not 23 detailed within the patent as far as I can see.</p> <p>24 Q I see. So the full technical details of the</p>
<p>1 Q Sure.</p> <p>2 A Then the bracket is that whole device here.</p> <p>3 Q When you say the whole device here, what are 4 you referring to?</p> <p>5 A That area here.</p> <p>6 Q 10?</p> <p>7 A The number 10.</p> <p>8 Q Shown as 10?</p> <p>9 A Claim it as one part, yeah.</p> <p>10 Q Is it also item 9 or is that something 11 different?</p> <p>12 A 9 is a part of the bracket, but in this case 13 here it's bracket for me. My understanding is a part 14 which holds the shaver in the position.</p> <p>15 Q In what position?</p> <p>16 A Upside down position, heads down.</p> <p>17 Q Erect and upside down, is that correct?</p> <p>18 A Is it --</p> <p>19 Q Erect or in a vertical upside down position?</p> <p>20 A Yes, has not be necessarily rectangular, but 21 anything to hold the shaver in position.</p> <p>22 Q What is your understanding of the item that is 23 item 9?</p> <p>24 A Item 9? Is push button with an interlock</p>	<p>Page 206</p> <p>1 switch are not shown?</p> <p>2 A Are not presented.</p> <p>3 Q But in -- is it correct in abstract terms it is 4 shown at item 9?</p> <p>5 A 9, yes.</p> <p>6 Q Turn to column 6 in the '328 patent. I don't 7 know if you noticed --</p> <p>8 A Claim 6?</p> <p>9 MR. PATTON: You see the column on the top?</p> <p>10 MR. SHIMOTA: Q Yes. Down at the bottom at a line 11 approximately 57, there's listed elastic supporting 12 means 8 --</p> <p>13 MR. PATTON: Column 6, 57.</p> <p>14 THE WITNESS: 57 is here. Yes -- elastic supporting 15 means.</p> <p>16 MR. SHIMOTA: Q My question is, you referred 17 earlier to the rubber parts in the cradle. Is that -- 18 to your understanding of the patent, is that what is 19 meant by the elastic supporting means?</p> <p>20 A Yes.</p> <p>21 Q Throughout your development of the cleaning 22 system, did you always use those rubber parts or were 23 they ever replaced with something else?</p> <p>24 A They were there as you can see from the</p>

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<p style="text-align: right;">Page 209</p> <p>1 original drawings. Rubber part or any type of elastical    2 shock-absorbing material. Can be silicone, soft    3 silicone, for instance. The main thing is that it    4 absorbs vibration as much as possible.</p> <p>5 Q Did you prefer the use of an elastic supporting    6 material?</p> <p>7 A Should be considered also rigid one, but from    8 the knowledge of an engineer should be soft to reduce or    9 eliminate the transfer of vibration into the casing of    10 the cleaning center.</p> <p>11 Q So I guess one last question, did you ever    12 consider the use of other supporting means?</p> <p>13 A Other materials, yes.</p> <p>14 Q Other materials aside from elastic.</p> <p>15 A Yes.</p> <p>16 Q What materials did you consider?</p> <p>17 A As I mentioned silicones, for instance, or soft    18 PVC, but at the end of the day you take what you have,    19 and the best thing is still even as compared to the    20 liquid or the durability within the liquid is still    21 rubber.</p> <p>22 Q So the best thing ultimately was the elastic    23 material?</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 211</p> <p>1 and I didn't attend the development so I couldn't give    2 any advice or any ideas because I didn't know exactly    3 what they were working on.</p> <p>4 Q Do you know the name of a gentleman named    5 Dr. Finger?</p> <p>6 A Yes.</p> <p>7 Q Who is Dr. Finger?</p> <p>8 A Let me think. Finger. I was mixing up the two    9 with -- no great memory on Mr. Finger, Dr. Finger    10 apparently.</p> <p>11 Q Okay. So I take it the answer to my question    12 is, you never would have had a meeting, formal or    13 informal, with both Mr. Höser and Mr. -- and Dr. Finger    14 regarding the shaver, development of the shaver cleaning    15 system?</p> <p>16 A Definitely not.</p> <p>17 Q When you left Braun in 1998, had a shaver    18 cleaning system yet been commercialized?</p> <p>19 A I can't tell you.</p> <p>20 Q Well --</p> <p>21 A I only know one thing, that somebody gave me    22 one of the first appliances which came out of the    23 prototype serie, but when it was, whether I was still    24 with Braun or whether I was not with Braun I can't tell</p>
<p style="text-align: right;">Page 210</p> <p>1 Q After you left -- when you changed jobs in    2 1995, did you still continue to work on the shaver    3 cleaning system?</p> <p>4 A No.</p> <p>5 Q No?</p> <p>6 A No.</p> <p>7 Q Did you ever have meetings?</p> <p>8 A No.</p> <p>9 Q Did you ever meet with a gentleman named Jurgen    10 Höser regarding his work on the shaver cleaning system?</p> <p>11 A Yes. Say once in a while when I met him    12 somewhere in the canteen, ask him how are you    13 progressing.</p> <p>14 Q You never?</p> <p>15 A He wanted to show his newest invention, his    16 newest appliance, but I'm not sure on that.</p> <p>17 Q So to your recollection you never had scheduled    18 meetings with Mr. Höser?</p> <p>19 A No way, no, nothing.</p> <p>20 Q When you met Mr. Höser in the canteen, did you    21 ever provide him insight and guidance as to the --</p> <p>22 A No, I stayed out of the thing.</p> <p>23 Q Did you intentionally stay out of it?</p> <p>24 A Let's put that way. The development went ahead</p>	<p style="text-align: right;">Page 212</p> <p>1 you.</p> <p>2 Q When you say prototype serie, do you mean    3 S-E-R-I-E? Is that what you were saying?</p> <p>4 A Yes.</p> <p>5 Q What is meant by serie S-E-R-I-E?</p> <p>6 A Normally if people think prototypes are 1, 2,    7 3, 4, maximum ten appliances made in model shop, but if    8 you have to have better feeling about production quality    9 you run it in a serie, which means you don't have a full    10 cavity mold. Within the full cavity mold you only have    11 one gravity in, and from that you mold many parts. So    12 you can build up, let's say, couple hundred of    13 appliances for better testing, et cetera, et cetera.</p> <p>14 Q Were you impressed by the prototype serie?</p> <p>15 A Yes.</p> <p>16 Q What impressed you about it?</p> <p>17 A What they made out of my first ideas it really    18 worked well.</p> <p>19 Q It had changed much since your first ideas?</p> <p>20 A Totally the shape. Totally new and the shaver    21 was sitting tilted in. When I asked them why, and the    22 whole thing went automatically as I had envisioned long    23 time ago. So it really worked well, I was impressed.</p> <p>24 Q So you were impressed by what they had done?</p>

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<p style="text-align: right;">Page 213</p> <p>1 A Yes.  2 Q Can you describe for me -- I think you said  3 there were some differences between your original work  4 and prototype serie, correct?  5 A Yes.  6 Q Can you tell me all the differences that you  7 can recall?  8 A First of all, I mentioned the tilted position  9 of the shaver itself. Obviously the shape. What was  10 also impressive was the type of cartridge, which they  11 found out at the end of the day, and maneuverability --  12 the handleability of the appliance which means ease of  13 use of the appliance, exchanging the cartridge, pressing  14 some push buttons to differentiate between charging and  15 cleaning or both. That's it.  16 Q Those are the differences you can think of?  17 A Yes. The rest was still the basic features.  18 Q Do you know whether there were any patents  19 applied for on later developments?  20 A No.  21 Q What impressed you about the shape of the  22 device?  23 A Well, it was totally different shape altogether  24 than I had in mind or when I was working on the</p>	<p style="text-align: right;">Page 215</p> <p>1 A From the point of view of drying, yeah, because  2 if you have as this particular case an airstream, it has  3 to go somewhere, into the outside atmosphere, so. From  4 the efficiency point of view it is important.  5 Q So you did think -- so you did believe that  6 having a cradle structure open to the atmosphere would  7 have been important to the consumer?  8 A Yes.  9 Q We also just discussed the bracket.  10 A Yes.  11 Q When you were developing original ideas, did  12 you believe that the bracket would be important to the  13 consumer?  14 A You can do the interlock system possibly  15 without having the bracket, the other -- you can think  16 of many, many solutions. So bracket is not so important  17 as long as the shaver is being held in position but what  18 means so ever.  19 Q You mentioned could you think of many solutions  20 aside from using a bracket. What are you thinking of?  21 A Let's try for instance, magnetics. You can  22 keep the shaver with magnets in position, with flexible  23 elements, not rigid bracket. You can do it -- so --  24 Q Can you think of any others?</p>
<p style="text-align: right;">Page 214</p> <p>1 appliances I had in mind or I knew of. They came out  2 with that round thing there with a bracket on an angle.  3 So it was totally new for me.  4 Q When you were working on -- when you were  5 originally considering your ideas for the shaver  6 cleaning system, did you have any ideas as to what  7 features would be important to consumers?  8 A Yes, sure.  9 Q What features did you think would be important?  10 A Well, first of all, a good cleaning result.  11 Secondly, easy handleability, easy use, then fast  12 cleaning, low liquid consumption. Of course, nice  13 design, not too bulky design.  14 Q Can you think of anything else?  15 A No. Up until today I don't know the price of  16 it in the market otherwise. I would have told you it  17 should be cheaper.  18 Q In your declaration you stated that the cradle  19 structure was open to the atmosphere.  20 A Yes.  21 Q When you were thinking of your -- when you were  22 developing your original ideas, did you think that it  23 would be important to the consumer that the cradle  24 structure was open to the atmosphere?</p>	<p style="text-align: right;">Page 216</p> <p>1 A Not at the moment, no. But if you would force  2 me I'd certainly come up with another solution.  3 Q Sure. I imagine. Did you consider the use of  4 magnets or flexible elements in your original work on  5 the shaver cleaning system?  6 A Well, we considered this, but then we said we  7 do it the simplest way possible.  8 Q Do you know who considered those solutions?  9 A This was definitely Braun and myself.  10 Q Did you ever make any prototypes with either  11 the magnets or the flexible elements?  12 A No, no. Flexible elements you can -- that has  13 flexible elements for instance in very coarse way, very  14 abstract way. This has flexible elements in position.  15 Q You're talking about the rubber?  16 A Yes.  17 Q Those are in the cradle, correct?  18 A The cradle, yes. It was cradle in -- rubber in  19 the cradle, but there's also rubber up there in the  20 upper half. That thing there, that piece.  21 Q I understand. That was something other than a  22 bracket, correct?  23 A Bracket mean something like that or columnar  24 type of thing. This was basically cylindrical or shaped</p>

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<p>1 hole where shaver was stuck in to fix it.</p> <p>2 Q I understand.</p> <p>3 A It's my understanding of the word bracket.</p> <p>4 Q That's all I can ask you.</p> <p>5 Did you ever consider operating the device</p> <p>6 by -- in your original work did you ever consider simply</p> <p>7 allowing the device to air dry? Maybe that's -- allow</p> <p>8 to dry without a fan or heater.</p> <p>9 A No, I never considered because I knew that it</p> <p>10 would take too long.</p> <p>11 Q You said too long would be approximately 20 to</p> <p>12 30 minutes?</p> <p>13 A Yeah.</p> <p>14 Q I'd like to mark as Braun deposition Exhibit</p> <p>15 No. 36 a document bearing the Bates range B002043 to</p> <p>16 B2047. I'd like to briefly ask you -- just go along</p> <p>17 this timeline and ask you if you remember any of these</p> <p>18 products at Braun.</p> <p>19 The first of which I'd like to ask you about is</p> <p>20 whether you recall there having -- you've seen the first</p> <p>21 page pointing to around 1960, ultrasonic clean device,</p> <p>22 first shaver.</p> <p>23 A 1960.</p> <p>24 Q Do you recall that device?</p>	<p>Page 217</p> <p>1 if you are lucky shaver was clean and brushes was dirty.</p> <p>2 Next operation can you imagine what happened</p> <p>3 here?</p> <p>4 Q In this box how was fluid used?</p> <p>5 A There was no fluid. It was simply a dry. The</p> <p>6 only thing what I can interpret to thing. Cleaning box,</p> <p>7 sink wet and dry, I have no clue about that.</p> <p>8 Q That's fine. I'm just -- I'm just asking if</p> <p>9 you recall any of these.</p> <p>10 A Wet and dry I never had.</p> <p>11 Q If you look to the next page, this is listed at</p> <p>12 or around 1990. It says first prototype;</p> <p>13 Braun/Dr. Pahl.</p> <p>14 Do you have any reason to believe that you</p> <p>15 would have begun working on your -- your original work</p> <p>16 on the shaver cleaning system would have begun --</p> <p>17 A No. That was certainly wrong date. I can tell</p> <p>18 you why because Braun took over the Silk Epil in August</p> <p>19 of '90, and then I had enough to do to get the people in</p> <p>20 Leon working on epilators. So I had no time to fool</p> <p>21 around with any type of prototype. It's certainly wrong</p> <p>22 information there.</p> <p>23 I don't know what they mean with first and</p> <p>24 second prototype. I have no clue what that means.</p>
<p>1 A No. But it's aftersales service offices or</p> <p>2 departments. If you ever saw a shaver when it didn't</p> <p>3 work, it came to the aftersales service. First thing</p> <p>4 you had to do was clean it because it filled up with</p> <p>5 debris and dirt. Apparently they had these ultrasonic</p> <p>6 devices to clean shaver then they could start</p> <p>7 dismantling it and repairing it.</p> <p>8 Q So does that aftersales service mean to you</p> <p>9 that it would have been some department?</p> <p>10 A You get a shaver in to repair it, they are so</p> <p>11 filthy you couldn't even touch it with rubber gloves.</p> <p>12 Q I understand.</p> <p>13 A That's why they use ultrasonic cleaning device</p> <p>14 to do the job there.</p> <p>15 Q Underneath that there's an arrow pointed to</p> <p>16 1960 refers to as a cleaning box/sink, cleaning wet dry.</p> <p>17 Do you remember there ever being a cleaning box or sink</p> <p>18 for shavers at or around 1960?</p> <p>19 A The only thing with water I don't know if this</p> <p>20 was on the market. It was a box which cover which could</p> <p>21 open to two sides. In there there was a brush you</p> <p>22 should put the shaver in, and let it run. And then</p> <p>23 hopefully cutter block only was cleaned -- dismantle the</p> <p>24 shaver, of course. Just put the cutter block in. Then</p>	<p>Page 218</p> <p>1 Q Let me ask you this question. Over the course</p> <p>2 of your work leading up to approximately the time of</p> <p>3 Mr. Braun's invention disclosure record, and I'm using</p> <p>4 prototype too when we've been discussing, how many</p> <p>5 prototypes would there have been of the cleaning system</p> <p>6 approximately?</p> <p>7 A Designs under the design of Mr. Braun?</p> <p>8 Q Mr. Braun or yourself.</p> <p>9 A First of all, there were the Leon thing, the</p> <p>10 three units here. Basically would be the same.</p> <p>11 Q There's the one white unit which we call the</p> <p>12 prototype.</p> <p>13 A Okay. Then Mr. Braun produced couple of</p> <p>14 prototypes. One was that shape there, the keyhole</p> <p>15 shape. There was another one and can mean that -- Höser</p> <p>16 did it or was there. Came later on. Apparently he</p> <p>17 means second type that being that one there, the keyhole</p> <p>18 thing. So I don't know if you're asking what he means.</p> <p>19 You can speculate on that.</p> <p>20 Q Look to the next page B0245.</p> <p>21 A There are a couple of prototypes.</p> <p>22 Q I see it says design, P. Schneider.</p> <p>23 A By the way, that I mean there.</p> <p>24 Q And do you know do you know what</p>

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<p>1 Mr. Schneider's first name is?</p> <p>2 A Peter.</p> <p>3 Q That's the device with the keyhole shape?</p> <p>4 A Yes.</p> <p>5 Q And again do you see in the left side, which is</p> <p>6 also a picture -- representation of the picture we're</p> <p>7 looking for, it says first prototype 1990, that's</p> <p>8 incorrect?</p> <p>9 A Okay. '94, '94. That should be the one.</p> <p>10 Q You can put that document away.</p> <p>11 A It's very informative for me. I never saw it.</p> <p>12 Q I'll show you what has been marked previously</p> <p>13 as defendant's Deposition Exhibit 16. I ask you if</p> <p>14 you've ever seen this document before.</p> <p>15 A Not at all.</p> <p>16 Q Do you know --</p> <p>17 A When is it dated?</p> <p>18 Q Turn to the next page. I think it's June 14th,</p> <p>19 '91.</p> <p>20 A '91.</p> <p>21 Q Do you know who Stefan Zeischae is?</p> <p>22 A I haven't a clue. First time I have that thing</p> <p>23 in my hand.</p> <p>24 Q So I assume you never heard about any work he</p>	Page 221	<p>1 A That's a professor.</p> <p>2 Q Professor Pahl?</p> <p>3 A Yes. He was -- very old already. This is an</p> <p>4 interesting thing. Can I have that?</p> <p>5 Q I have to keep the exhibit stamped. Would you</p> <p>6 like a copy of it?</p> <p>7 A Yes, it's really great.</p> <p>8 Q We have to change the tape. We can take a very</p> <p>9 quick break. I have very little at all.</p> <p>10 MR. PATTON: Okay.</p> <p>11 THE VIDEOGRAPHER: We're going off the video record</p> <p>12 at 5:12 p.m. Here concludes tape 3.</p> <p>13 (Off the record)</p> <p>14 THE VIDEOGRAPHER: We're going back on the video</p> <p>15 record at 5:20 p.m. Here begins tape 4.</p> <p>16 MR. SHIMOTA: Q Welcome back.</p> <p>17 Last series of questions I have I'm just going</p> <p>18 to show you series of prior art I've already marked. As</p> <p>19 you recall, in your review of Mr. Braun's invention</p> <p>20 disclosure record there's indicated there were</p> <p>21 disclosures. What I wanted to know is if any of the</p> <p>22 documents that I'm going to show you were the enclosures or</p> <p>23 you believe they were the enclosures that you submitted</p> <p>24 to the patent department.</p>	Page 223
<p>1 would have done?</p> <p>2 A No.</p> <p>3 Q With shaver cleaning systems?</p> <p>4 A What in there?</p> <p>5 Q If you could turn to the very last page of this</p> <p>6 document? Do you recall the time in 1991 in Kronberg</p> <p>7 there would have been a Dr. Jung?</p> <p>8 A Yes, still there.</p> <p>9 Q He's still there?</p> <p>10 A Yes.</p> <p>11 Q Where does Dr. Jung work?</p> <p>12 A I know I can't imagine where he's coming from.</p> <p>13 He was apparently at the time in charge of the research</p> <p>14 department and he influenced that thing here, I assume.</p> <p>15 Q In 1991 did you also know a Herr Klauer or</p> <p>16 Mr. Klauer?</p> <p>17 A Yes, patent department.</p> <p>18 Q Is this the same Mr. Klauer who was in charge</p> <p>19 of the shaver system patents?</p> <p>20 A Yes, yes.</p> <p>21 Q You see the name up at the top, it says Pahl</p> <p>22 Bietz?</p> <p>23 A Nothing to do with me.</p> <p>24 Q Someone else?</p>	Page 222	<p>1 I'll show you first what's been marked as --</p> <p>2 previously marked as defendant's Exhibit 18 as well as</p> <p>3 defendant's Exhibit 19. I show you next what's been</p> <p>4 marked as defendant's Exhibit 20, next what's marked</p> <p>5 defendant's Exhibit 22.</p> <p>6 A That's a good one.</p> <p>7 Q Show you also defendant's Exhibit 23, show you</p> <p>8 defendant's Exhibit 25, defendant's Exhibit 26. That is</p> <p>9 it.</p> <p>10 MR. PATTON: The question? I'm sorry.</p> <p>11 MR. SHIMOTA: Q I just want to know -- there would</p> <p>12 be two questions, if you recognize any of the documents</p> <p>13 and if you believe any of them would have been one or</p> <p>14 more of the enclosures that you provided to Braun's</p> <p>15 patent department.</p> <p>16 A To your first question I don't know any of</p> <p>17 them. And second question, I'm sure none.</p> <p>18 Q Okay. Last follow-up then. Did you ever</p> <p>19 maintain any patents related to shaver cleaning systems?</p> <p>20 A No.</p> <p>21 Q Aside from the patents we've been talking about</p> <p>22 today, have you ever -- even sitting here today, have</p> <p>23 you ever seen any patents related to shaver cleaning</p> <p>24 systems?</p>	Page 224

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<p>1 A No.</p> <p>2 Q Have you ever seen any literature on the topic 3 of shaver cleaning systems?</p> <p>4 A Whether exists one, but definitely nothing, I'm 5 not aware about anything.</p> <p>6 Q Okay.</p> <p>7 A About shaver cleaning system. I'd be glad I 8 never read that thing here or the others.</p> <p>9 Q Why would you say you'd be glad you never read 10 that thing there?</p> <p>11 A They are looking so difficult, complicated I 12 would have started inventing healing system because -- 13 can you imagine to market this stuff there?</p> <p>14 Q I suppose not now. Well, since you have never 15 seen or you don't recall seeing any patents or 16 literature regarding shaver cleaning systems, does that 17 help you recall what enclosures you might have provided 18 to the patent department?</p> <p>19 A For what enclosures?</p> <p>20 Q What you provided to the patent department 21 indicated you provided enclosures.</p> <p>22 A Mr. Braun?</p> <p>23 Q No, you did. We talked about that earlier.</p> <p>24 A I didn't put any enclosures to that thing.</p>	<p style="text-align: center;">Page 225</p> <p>1 STATE OF ILLINOIS ) 2 ) SS: 3 COUNTY OF C O O K ) 4 The within and foregoing deposition of the 5 aforementioned witness was taken before CAROL CONNOLLY, 6 CSR, CRR and Notary Public, at the place, date and time 7 aforementioned. 8 There were present during the taking of the 9 deposition the previously named counsel. 10 The said witness was first duly sworn and was 11 then examined upon oral interrogatories; the questions 12 and answers were taken down in shorthand by the 13 undersigned, acting as stenographer and Notary Public; 14 and the within and foregoing is a true, accurate and 15 complete record of all of the questions asked of and 16 answers made by the forementioned witness, at the time 17 and place hereinabove referred to. 18 The signature of the witness was not waived, 19 and the deposition was submitted, pursuant to Rule 30 20 (e) and 32 (d) 4 of the Rules of Civil Procedure for the 21 United States District Courts, to the deponent per copy 22 of the attached letter. 23 24</p>
<p>1 Wait a minute. Where is that? Says -- that thing 2 there.</p> <p>3 Oh, you mean -- now I got your thought. No, 4 was nothing like that. None of these documents were 5 mentioned by that -- the enclosures.</p> <p>6 Q I guess my last question for you, does any of 7 this help you recall what type of documents the 8 enclosures would have been?</p> <p>9 A No, this doesn't help me at all.</p> <p>10 MR. SHIMOTA: Thank you for your time. I have no 11 further questions, unless you want me to ask some more.</p> <p>12 THE VIDEOGRAPHER: One moment. In conclusion for 13 April 28th, 2005. We are going off the video record at 14 5:26 p.m. Thank you.</p> <p>15 (Off the record)</p> <p>16 -----</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: center;">Page 226</p> <p>1 The undersigned is not interested in the within 2 case, nor of kin or counsel to any of the parties. 3 Witness my official signature and seal as 4 Notary Public in and for Cook County, Illinois on this 5 _____ day of _____, A.D. 2005. 6 7</p> <p>8 9 CAROL CONNOLLY, CSR, CRR 10 CSR No. 084-003113 11 Notary Public 12 230 West Monroe Street 13 Suite 1500 14 Chicago, Illinois 60606 15 Phone: (312) 263-3524 16 17 18 19 20 21 22 23 24</p>

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Dietrich Pahl April 28, 2005

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF MASSACHUSETTS 3 BRAUN GmbH, ) 4 Plaintiff, ) 5 -vs- ) No. 03-CV-12428 (WGY) 6 RAYOVAC CORPORATION, ) 7 Defendant. )</p> <p>8 I hereby certify that I have read the foregoing 9 transcript of my deposition given at the time and place 10 aforesaid, consisting of Pages 1 to 229, inclusive, and 11 I do again subscribe and make oath that the same is a 12 true, correct, and complete transcript of my deposition 13 so given as aforesaid, and includes changes, if any, so 14 made by me.</p> <p>15</p> <p>16</p> <p>17 <u>DIETRICH PAHL, Ph.D</u></p> <p>18</p> <p>19</p> <p>20</p> <p>21 SUBSCRIBED AND SWORN TO before me this 22 _____ day of _____, 2005. 23</p> <p>24 Notary Public</p>	<p>Page 229</p> <p>LEGALINK - CHICAGO 230 West Monroe Street - Suite 1500 Chicago, Illinois 60606 (312) 263-3524 (312) 236-8461 May 6, 2005 MR. WILLIAM L. PATTON One International Place Boston, Massachusetts 02110 CASE: BRAUN -vs- RAYOVAC CASE NO.: 03-CV-12428 (WGY) DEP OF: DIETRICH PAHL DATE TAKEN: April 28, 2005 Dear Mr. Patton: Per your instruction, enclosed is a copy of the deposition transcript, along with the original signature page and errata sheet. Pursuant to the rules of court in this matter, the transcript is to be read and then signed before a notary public. If any corrections/changes are to be made, please TYPE or PRINT them on the attached errata sheet, giving the page and line number, desired correction/change and reason.  Please arrange for accomplishment of same and transmittal of the signature page and errata sheet back to our office within 30 days from the date of this letter. Upon failure to comply, we shall forward an appropriate affidavit of noncompliance to all counsel of record.  Sincerely yours,</p> <p>LegalLink - Chicago</p> <p>cc: Mr. James Shimota (org) C.C. Job No. CC126183</p>
<p>1 CASE: BRAUN -vs- RAYOVAC 2 DATE TAKEN: April 28, 2005 3 DEPONENT: DIETRICH PAHL, Ph.D 4 PAGE LINE ERRATA SHEET 5 _____ CHANGE: _____ 6 _____ REASON: _____ 7 _____ CHANGE: _____ 8 _____ REASON: _____ 9 _____ CHANGE: _____ 10 _____ REASON: _____ 11 _____ CHANGE: _____ 12 _____ REASON: _____ 13 _____ CHANGE: _____ 14 _____ REASON: _____ 15 _____ CHANGE: _____ 16 _____ REASON: _____ 17 _____ CHANGE: _____ 18 _____ REASON: _____ 19 _____ CHANGE: _____ 20 _____ REASON: _____ 21 _____ CHANGE: _____ 22 _____ REASON: _____ 23 (SIGNED) _____ 24 Reporter: Carol Connolly</p>	<p>Page 230</p> <p>Page 2005</p> <p>CASE: BRAUN -vs- RAYOVAC DATE TAKEN: April 28, DEPONENT: DIETRICH PAHL, Ph.D PAGE LINE ERRATA SHEET _____ CHANGE: _____ _____ REASON: _____ _____ CHANGE: _____ _____ REASON: _____ (SIGNED) _____ DATE _____ Reporter: Carol Connolly</p>

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